

## **Testimony of Taxi and Limousine Commission**

**First Deputy Commissioner, Andrew Salkin**

**Before the City Council Transportation Committee**

**September 10, 2008, 1:00 PM**

### **Oversight Hearing- Oversight: Green Taxis: Are They Safe?**

Good afternoon Chairman Liu and members of the Transportation Committee. My name is Andrew Salkin, and I am the First Deputy Commissioner of the New York City Taxi and Limousine Commission. I am here to testify on the high safety standards that TLC requires of all taxis it approves to place on the roads of New York City. I want to emphasize that TLC's top priority is driver and passenger safety. I understand that this hearing is meant to focus on just "green" taxis, but it is important for the Committee to know that taxis with better gas mileage meet or exceed the standards for all taxis placed into service in New York City. I would like to briefly discuss the process that each vehicle must go through to serve the New York City public as a Taxi.

Before any vehicle model, including a taxi, is placed on the road, the Original Equipment Manufacturer (OEM) must certify that the vehicle meets or exceeds the standards specified in the Federal Motor Vehicle Safety Standards (FMVSS) New Car Assessment Program (NCAP) administered by the U.S. Department of Transportation – National Highway Traffic Safety Administration (NHTSA). The vehicle is then tested by NHTSA

to ensure compliance. These standards were first put into place in 1967 to ensure that all vehicles meet or exceed a set of ever evolving safety standards. More than 50 standards cover a comprehensive range of vehicle features such as the vehicle's ability to avoid an accident, the vehicle's component predictability in a crash and most importantly, the vehicle's ability to protect occupants from injury in the event of an accident. It should be noted that all vehicles, whether they are SUVs, minivans or sedans, are held to the same standards. Regardless of whether New Yorkers are driving their own vehicles or riding in New York City taxicabs, they can feel safe because their vehicles are all FMVSS-compliant.

Once a vehicle model meets the standards set by the Federal Government and the TLC, an owner may purchase any approved vehicle. Before the vehicle can be placed into taxi service, it must pass an initial hackup inspection at TLC, ensuring TLC-required equipment is in place and properly installed. Once in service, it must pass three inspections a year. Each year the TLC performs nearly 60,000 of these inspections, which include over 250 different tests that cover safety, performance, emission and TLC standards. In fact, the TLC Safety and Emissions Inspection Facility and all of its vehicle inspectors are certified and licensed by the New York State Department of Motor Vehicles to conduct these enhanced safety and emissions inspections. Additionally, this facility is licensed by the New York State Department of Agriculture's Bureau of Weights and Measures to ensure the accuracy of its testing equipment. These inspections reveal a lot about a car's performance as a New York City taxi. They also ensure that the vehicles continue to meet the Federal Motor Vehicle Safety Standards. Regardless of

whether a vehicle is a taxi with improved gas mileage or another type of cab, if it does not meet Federal safety and New York State standards, it will fail its TLC inspection and be taken off the road.

TLC has worked for years with manufacturers on vehicles used as taxicabs. In a recent example of this, TLC reached out to automakers to talk about vehicle supply when members of the taxi industry raised concerns about the availability of models that met the 25mpg standard. After a series of discussions, three major manufacturers committed in writing to provide a guaranteed number of vehicles specifically for the New York City taxi market. Assuming certain conditions are met, Nissan agreed to provide up to 200 Altima Hybrids per month, Ford agreed to provide a minimum 50 Escape Hybrids per month, and GM agreed to 600 Malibu Hybrids for a year, exceeding the estimated need from the industry and putting questions regarding availability to rest. Through these commitments, the manufacturers have supported the use of their vehicles as New York City taxicabs.

In making these commitments, they were well aware of the requirements necessary for a vehicle to be placed on the road as a taxicab, and to this end, they have worked to modify the vehicles specifically for use as a NYC taxicab. For example, Ford offers its vehicles in a shade of taxicab yellow that is required by TLC, and both Ford and Nissan are developing rear air conditioning solutions for use with full-width partitions.

Ford, Nissan, and General Motors have taken an interest in how their vehicles are performing as New York City taxicabs. All three automakers have sent engineers to review the performance of their vehicles and TLC inspection data. Both Ford and Nissan shared their findings in writing. Ford was impressed with TLC's dedication to safety. Nissan expressed some safety concerns about air bag deployment, which led to a review of the standards and a modification to the vinyl seat cover rule, which was approved this morning by a TLC Commission vote. For decades, all manufacturers and post-manufacturing modifiers have supported the warranty, even after the vehicle is hacked-up as a taxicab. The TLC hack-up requirements are not a reason to void the warranty.

The partition is an important TLC standard. This safety feature protects drivers from violent crime, and it therefore warrants particular mention. Partitions are commonly used in this country for the protection of drivers in taxicabs, police cars, and a wide variety of other vehicles. Partitions were required in New York City taxicabs before the creation of the TLC in 1971. The mandatory use of partitions was revoked in the late 1970's but was reinstated in 1994. In 1997, New York State passed legislation requiring the use of partitions in taxis statewide. The taxis being used at that time were non-stretch Crown Victorias, which had comparable rear passenger leg room to the vehicles that meet the 25mpg standard today. The safety challenges in regards to the partition when the State requirement was enacted 11 years ago are comparable to the vehicles that meet the October mileage standards.

Beyond the borders of NYC, many municipalities across the country utilize partitions to protect drivers from violent crime. For example, cities such as Boston, Los Angeles, Baltimore and Chicago all use partitions in their taxis. The reduction in violence against drivers since the installation of partitions speaks a great deal to their value in protecting drivers and saving their lives. Historically, fleets, medallion owners, and drivers have strongly supported the partition.

Although the partition requirement has been in place for many years, the actual design of partitions is constantly reviewed and updated by the Commissioners as new developments in vehicle design and industrial materials arise. In New York City, three different partition designs are approved for use. The first type of partition is a full-width partition for vehicles that do not have curtain airbags. This type of partition is typically found in the Crown Victoria. When vehicle types that were manufactured with curtain airbags started to be used as taxis, the TLC Commissioners approved a new partition. This second type of partition was designed by a local manufacturer with the cooperation of TLC to accommodate deployment of the curtain airbags. Taxis with curtain airbags include the hybrids that the New York City Council mandated. The third type of partition is the L-shaped partition. This type was designed for vehicles that do not have separate back seat air-conditioning vents. Since auto manufacturers are developing a solution to this rear air conditioning problem, the L-shaped partition will not be needed after the next few months. Regardless of the vehicle model of the taxicab, the FMVSS seatbelt standards will significantly limit the movement of an occupant involved in a crash,

greatly reducing the risk of injury. The Passenger Information Monitors installed in the back of NYC cabs remind all taxicab passengers to buckle up.

The safety of drivers and passengers is of utmost importance to TLC, and we take safety concerns very seriously. Since 2005, TLC has held multiple hearings on the mileage standards and hybrid vehicles, both before and after the rules were passed, and has provided multiple opportunities for the presentation of evidence suggesting the taxicabs that meet the 25mpg are unsafe. To date, we have not seen any credible evidence to support these claims.

The committee's question is whether "green taxis" are safe, and I am pleased to report that taxicabs with improved gas mileage meet or exceed the same federal standards and the same TLC inspection standards as all other New York City taxicabs. All taxi models with better gas mileage meet the NHTSA crash testing regimen of any commercial-market vehicle sold in the United States. Significantly, these cars are not new – the Camry has been on the market since 1980, the Altima since 1992, the Escape since 2001, and the current version of the Malibu since 2003. The Council first mandated the use of hybrid taxicabs more than three years ago. Since then, estimating conservatively, vehicles with better gas mileage have logged more than 70 million miles of service. The time for "pilots" has ended. Their record has been outstanding. Taxicabs with improved gas mileage are fully performing, saving drivers money and doing so safely.

In addition, the MPG standards provide many benefits to the industry and the public. Vehicles with better gas mileage save drivers thousands of dollars annually in gas costs, and when all of the vehicles meet the MPG standards, it will yield a taxi industry-wide savings of \$60M per year. Importantly, vehicles with better gas mileage also decrease our need for imported oil, reduce our carbon footprint, and improve air quality. For example, compared to the Crown Victoria, the Nissan Altima Hybrid and the Ford Escape Hybrid (among other models) emit roughly 71% less nitrogen oxides (NOx) and 89% less Non-Methane Organic Compounds (NMOG), both of which are precursors to smog. Both the U.S. Environmental Protection Agency and NYC Department of Health and Mental Hygiene have documented the link between smog and symptoms of asthma. In some parts of New York City, asthma hospitalization rates are up to four times the national average, often at the public's expense. Efforts to reduce air pollution, such as the MPG standards, help protect public health citywide.

I would like to thank the Transportation Committee for the opportunity to discuss vehicle safety today in this forum, and for demonstrating our shared high regard for the safety of both passengers and drivers. Again, safety is of the utmost importance to the TLC and based on Federal standards, engineering reviews, vehicle inspections and performance, the vehicles on the road are serving the public safely.

FOR THE RECORD (NO DISK)

My name is Miroslav Kucay, TLC # 403930, and I am a steady driver on medallion taxicab 7B 41C which also has another steady driver. The taxicab that is a 2008 FORD ESCAPE HYBRID - VIN # 1FMCU49H88K9178; it has been on the road since August 2007. The vehicle currently has approximately 70,000 miles and was last inspected at the TLC Inspection Facility on August 7, 2008.

At approximately 36,000 miles the vehicle experienced "shut-off problems" - it would just stop for no reason at all. Because the car was still under Warranty, we brought it back to the dealer and the dealer found out that it was necessary to replace the transmission. They replaced it but it took them one month to do this and neither of us were able to drive for one whole month. We lost a lot of money because our taxicab could not be fixed any faster. We also had to replace some filters after the transmission was replaced because we were told that sometimes unclean filters causes shut-off problems.

The taxicab drove well up until Saturday evening, August 30, 2008 at approximately 10:00 PM when I was on my way home from my shift. I was leaving Manhattan driving toward the Williamsburg Bridge - East Delancey. I was only going at a speed of 20 mph. In front of my taxicab there was a pick-up truck. The pick-up truck stopped and I wanted to stop my car but was not able to do so because the brake pedal went all the way down to the floor and it would not come up. I could not pump the brake pedal. I hit the truck in front of me and my car bounced 3 times off of the truck's back bumper bringing me to a stop. The only reason I came to a stop was because of the truck in front of me; imagine if it wasn't in front of me, I would not been able to come to a stop and I am afraid to think what would have happened. After the car stopped, I looked down at the brake pedal and found out that it was still all the way down to the floor. There were no injuries but my leg is bruised because of the force I used trying to pump the brake pedal to stop my car.

The NYC Police Department was called to the scene of the accident (report attached); the vehicle was towed back to a repair shop located at 231 Huron Street in Brooklyn. The car had the following to be fixed:

1. brakes
2. radiator
3. condenser
4. fan
5. bumper cover and support
6. headlights
7. grill
8. hood
9. fenders



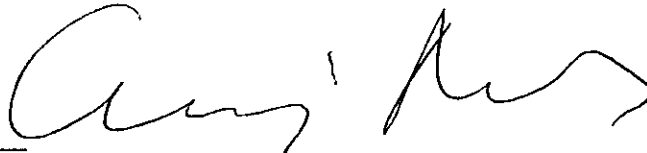
The mechanics told me that because of the way the car was hit they had to use the pulling machine in order to straighten the crossmember. There is still no reason why the brakes failed and the brake pedal stuck. The brakes are now working.

The car is still not on the road because it needs additional repairs and the mechanics cannot fix what it wrong with it. The current problems are:

1. No air conditioning – the freon is all out
2. Generator problem – it is not in hybrid mode
3. No circulation coolant – the new pump does not work
4. The car is a 1,000 rpm at idle.

This statement is true and I certify that it is accurate.

Signed: \_\_\_\_\_



**Miroslav Kuczy**  
**September 4, 2008**

Witnessed: \_\_\_\_\_



**Sebastian Oszewski**  
**September 4, 2008**



**Testimony of Jack Ridenour  
Chief Engineer (Ret.), Vehicle Safety  
Ford Motor Company**

**Committee on Transportation  
The Council of the City of New York  
Council Chambers, City Hall, New York**

**September 10, 2008**

- Good Afternoon. My name is Jack Ridenour and on behalf of Ford Motor Company, I would like to thank The Committee on Transportation of the City Council for giving Ford an opportunity to speak at today's hearing. I met with Commissioner Schenkman of the Taxi and Limousine Commission in June to discuss the Ford Hybrid Escape and I am here to follow up on those discussions.
- I very recently retired from Ford as a Chief Engineer of Vehicle Safety and I am familiar with the safety performance of Ford Hybrid Escape. As I stated in my letter of June 20, 2008 to Commissioner Mathew Daus of the Taxi and Limousine Commission, Ford is very confident that the Ford Hybrid Escape is suitable and safe for the New York City taxi fleet.
- Ford's engineering standards and testing demonstrate the safety and reliability of the Hybrid Escape. Ford employs many engineering standards that incorporate decades of technical expertise and field experience. We know that when our products meet these standards, they will satisfy our customers. Those standards relate to various elements including the material quality, dimensional characteristics, structural integrity, and system performance of our products.
- Other aspects of performance require testing and evaluations to confirm our vehicles will do the job for our customers. For example, we have conducted a series of various crash tests on Escape vehicles, including Hybrids, to fully evaluate their crash performance. Before we sell a vehicle, we must demonstrate to ourselves that it is a safe product. We can assure you that the Hybrid Escape offers excellent crash safety. However, you do not need to simply take our word for it. The Hybrid Escape has achieved outstanding crash test ratings from third parties such as five-star ratings (the highest level achievable) in both front and side crash testing from the National Highway Traffic Safety Administration's New Car Assessment Program. Also, the entire Escape vehicle family, including the Hybrid, recently received the Insurance Institute for Highway Safety's Top Safety Pick rating. This performance is not a surprise, because Ford's internal standards are more stringent than the federal government's requirements. It is gratifying when third parties recognize what Ford engineers already knew about the safety performance of our products.
- We know that some customers may be concerned about the potential for rollover crashes in an SUV. To help mitigate rollover accidents, the 2009 Hybrid Escape is equipped with AdvanceTrac® with Roll Stability Control™ – an industry first which takes standard electronic stability control systems to a new dimension by using gyroscopic-effect rate sensors for both yaw and roll axes to sense unstable conditions and apply countermeasures to help the driver maintain control. This system substantially reduces the potential for rollover crashes.
- Another area of concern is the durability of the Hybrid Escape for taxi use. The Hybrid Escape meets Ford's SUV durability requirements, which are more rigorous than those required for passenger cars. While we meet our durability testing requirements, we will certainly make improvements in the Hybrid Escape as we learn more about the product

during its time in service as a taxi. Every product goes through the same continuous improvement process as we take feedback from our customers to make a good product better. Numerous refinements have been made to the Crown Victoria over the years based on that same fleet customer feedback. Escapes have been in taxi fleet service since the 2005 model year and they have proven to be very capable vehicles for taxi service. We have made several improvements to the Escape as a result of the taxi fleet experience including changes to the water pump and engine software to reduce downtime when repairing taxis. We look forward to working with our New York City fleet customers to make improvements in Hybrid Escape. However, the current Hybrid Escape meets our requirements for taxi use today.

- Ford is aware that questions have been raised about the safety of the Hybrid Escape after it has been outfitted with modifications required by the Taxi and Limousine Commission. I met with the Taxi and Limousine Commission in June this year to review some of their requirements. I was very impressed with the Commission's tri-annual taxi inspection process, and how the Commission worked with the supplier of the side air curtain on the Hybrid Escape to establish the appropriate clearance for the required partition between the front and rear seating positions.
- Ford is not in a position to criticize or question the various modifications required by the Taxi and Limousine Commission. The Commission has an important job in making judgments that balance competing benefits and risks involving driver and customer safety in a unique operating environment. Ford does not have the expertise or experience to balance all of those same considerations.
- Ford wants to help answer some of the technical questions that have been raised about the Hybrid Escape as a New York City taxi. I will pose the questions and respond to each one.

Q Is the Hybrid Escape unsafe because it is smaller and lighter than the stretch Crown Victoria taxi?

A No. Ford specifically rejects the premise that any vehicle smaller than a stretch Crown Victoria is unsafe. The crash test performance of the Hybrid Escape is excellent as demonstrated by the five-star and "top safety pick" scores awarded by third parties. Ford does not argue with the fundamental fact of physics that a larger, heavier vehicle has inherent benefits in managing crash energy. However, that fact does not make the Hybrid Escape unsafe for taxi use. Safety is a much more technically complex than simply weighing or measuring vehicles.

Q Do the modifications required by the Taxi and Limousine Commission cause the Hybrid Escape to be unsafe for taxi use?

A The Taxi and Limousine Commission modifications need not make the Hybrid Escape unsafe for taxi use. In fact, the Taxi and Limousine Commission took steps to address the one risk related to side air curtain deployment that was identified. As I stated above, Ford is not in a position to evaluate the balance of

benefits and risks the Taxi and Limousine Commission must make in developing its requirements.

Q Does the partition required by the TLC pose an increased risk of injury to rear seat passengers?

A For belted rear seat passengers, the safety belts help restrain the forward movement of occupants reducing the risk of injury from striking the partition or the front seat. The safety belt is the single most important safety device in the vehicle and we encourage every occupant to be properly belted. Depending on the type of collision and the size of the occupant, there may be some contact with the partition. Ford specifically evaluates the occupant kinematics of belted rear seat occupants when designing all of our products. It has been argued that because the rear seat occupant space is smaller in the Hybrid Escape than in a stretch Crown Victoria, there is an increased risk for belted occupants to contact the partition in a collision. That analysis is true for any vehicle with a smaller occupant space than the stretch Crown Victoria and is not unique to a Hybrid Escape. For unbelted occupants, their risk of injury is caused by their lack of safety belt use. With regard to the concerns about partitions dislodging during a collision, Ford does not design or install the partition and cannot comment on the potential risk.

Q Has Ford conducted any crash testing of a Hybrid Escape equipped with the required partition to evaluate the performance of rear seat occupants?

A There are several issues wrapped up in this question. First, Ford is not aware that any vehicle has ever been crash tested with the partition installed and crash dummies in the rear seat. Such a test would be a new and undefined requirement for any vehicle, not simply the Hybrid Escape. Second, it is unclear what type of test it would be and what would be an acceptable level of performance. Crash testing with test dummies in the rear seat is not an established crash testing protocol in the auto industry. Real world crash data shows that rear seat occupants have a lower risk of injuries and fatalities than front seat occupants. It is not clear how crash testing with dummies in the rear seat would evaluate and improve upon the current excellent crash performance of these vehicles. Third, the results of such testing must be balanced against the benefits the partition provides drivers. Automotive manufacturers are not in a position to make that evaluation and crash testing would not provide sufficient data to determine the right balance for the New York City taxi fleet.

o I hope I have been able to answer some of your questions about the Hybrid Escape. Ford is confident the Hybrid Escape is safe and suitable for use as a New York City taxi. Ford has a long history of supporting the taxi industry in New York and we want to continue this relationship by supplying both the Hybrid Escape and the Crown Victoria to the taxi fleet of this great city. Thank you, again, for allowing me to speak to you today on behalf of Ford Motor Company.

FOR THE RECORD

## WE ACT for Environmental Justice

Comments to the  
New York City Council  
Transportation Committee

### Oversight Hearing: "Are Green Taxis Safe?"

September 10, 2008

Good afternoon. I am Stephanie Tyree, the Environmental Policy Coordinator for WE ACT for Environmental Justice (WE ACT). WE ACT is a community-based, nonprofit environmental justice organization that has been working on issues of environmental and economic justice in Northern Manhattan and throughout New York City for two decades. In representing the communities of Northern Manhattan and a leader in the national environmental justice movement, WE ACT has worked on a range of issues, including extensive work on transportation, sustainability, climate change and energy issues. Our work on these issues led us initially to support the City mandate requiring higher fuel efficiency for taxi vehicles. We respectfully appear before the Transportation Committee today to reiterate that support and emphasize the need for fuel efficient taxis in New York City to improve the health of residents and reduce the City's impact on global warming.

The effort to switch the NYC taxi system from gas burning vehicles to hybrids is one of the more than 120 initiatives Mayor Michael Bloomberg put forth in his sweeping PlaNYC sustainability program. The benefits of switching New York City's 13,000 taxicabs to fuel efficient models is immense. Hybrid vehicles improve public health by reducing car emissions. This reduction in emissions causes a decrease in the airborne pollutants that New Yorkers are exposed to each day. This is a positive benefit for all New Yorkers, but especially for children who are most vulnerable to emission pollutants.

Hybrid vehicles also serve as the first step toward shifting the City toward clean, renewable energy sources. This shift will benefit both the economy and the environment. As the price of traditional fossil fuels grows, the need for new energy sources becomes more urgent. These sources can be green, clean, renewable and domestically-based. Though “green taxis” still use gasoline, the continually rising efficiency standard of these cars drastically reduces gasoline consumption from traditional levels – particularly when their use is implemented at the broad scale it would be for the New York taxi system.

Reducing this consumption provides particular benefits for the environment as well. Local benefits are seen through emissions reductions. Global benefits will also occur from this shift to hybrid use. The increased use of hybrids will create a corresponding decrease in carbon output from our city. New York City already provides a lifestyle that has a markedly limited carbon footprint. Through PlaNYC and other initiatives, Mayor Bloomberg has shown a commitment to continue reducing our global carbon footprint and to set New York as an international model on urban planning and sustainability practices that reduce climate change impacts while improving local public health. By mandating the use of fuel efficient vehicles in the taxi fleet, New York is again setting the bar for environmental sustainability and public health protection. As with other programs and regulations that have been implemented in furtherance of sustainability, this mandate is likely to be copied throughout the country as other cities move toward demanding clean, efficient for-hire vehicles in their communities.

The debate and corresponding lawsuit around the safety of “green taxis” is a diversionary tactic seeking to blockade our City’s necessary transition toward a renewable economy and environment and to protect the interests of those corporations that benefit from sustained reliance on fossil fuels. The Gambardella Report on the safety of green taxis illuminates some of the existing shortcomings of hybrid taxi models. Nevertheless, the conclusions of a single report should not unequivocally derail a city-wide program to increase sustainability and improve the public health of residents. Though there may be some concern caused by the remodeling of hybrid taxis to include partitions, the potential negative safety impacts of these problems are likely to be dwarfed by the safety risks that

continued use of gas-based Crown Victoria taxis. Crown Vics may be safe for individual passengers and taxi drivers in relation to crash tests, air bag deployment and other areas. Yet, they emit pollutants into the local area and the global environment that create a distinctly unsafe environment for everyone, but *especially* for the children of New York City.

In this debate on the safety of green taxis, the public health and environmental benefit that arises from fuel efficient cars cannot and should not be ignored. Failure to take measures to reduce airborne pollutants through such measures as increased fuel efficiency carries a significant degree of unsafety for all New Yorkers. When talking about the relative "safety" of hybrid taxis, the public healthy benefits and safe(r) environments created through the use of these vehicles must be included in the decisionmaking dialogue.

Thank you for providing us with this opportunity to speak today.

Stephanie Tyree  
Environmental Policy Coordinator  
Email: [stephanie@WEACT.org](mailto:stephanie@WEACT.org)  
Phone: (212) 961-1000, ext. 317





MICAH Z. KELLNER  
65<sup>th</sup> Assembly District

# THE ASSEMBLY STATE OF NEW YORK ALBANY

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Environmental Conservation  
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## **Concerns Regarding the Safety of Hybrid Taxis**

Testimony of Assembly Member Micah Z. Kellner  
Before the New York City Council Committee on Transportation  
Wednesday, September 10, 2008

My name is Micah Z. Kellner and I represent the 65<sup>th</sup> Assembly District in Manhattan, including parts of the Upper East Side, Yorkville, and Roosevelt Island. Thank you to Chairman Liu and Council Speaker Christine Quinn for the opportunity to testify today.

I strongly support the goal of making New York City's taxi fleet greener. Given the realities of global climate change and the clear links between auto emissions and asthma, lung disease, and other serious threats to public health, there is no question that we should be taking steps to mitigate the environmental impact of taxi traffic in New York. I testified before this committee in June on the subject of Clean Air Taxis. At that time I argued that the Taxi and Limousine Commission is using flawed metrics and a rushed timetable to provide a public relations victory for the outgoing mayoral administration – even at the expense of other important priorities in the process, such as a fully accessible taxi fleet.

I am here today because I am concerned about reports that I have read regarding the safety of hybrid taxis currently on the road in New York City. It may be simply disingenuous for the TLC to use flawed metrics to justify their goals, but it is completely irresponsible to knowingly jeopardize the safety of riders and drivers to meet those goals. In a letter dated August 29th of this year from the Metropolitan Taxicab Board of Trade's (MTBOT) attorneys to the Ford Motor Company, the MTBOT raises a number of safety issues regarding the TLC-modified hybrids resulting from an engineering study the taxi owners commissioned. These concerns are very real and include:

- The improper deployment and operation of side air bags in the partition-modified vehicle;
- The possibility of passenger injury due to the shorter distance in the smaller hybrid vehicle between the partition and the backseat;
- The possibility of injury due to sharp edges of the L-shaped partition type; and
- The increased likelihood of smaller hybrid vehicles, like the Ford Escape hybrid, to rollover in an accident.

The fact is that the owners' manuals for these cars warn, specifically, against their modification for safety reasons and the hacked up vehicles themselves have not been crash-tested. The TLC would have us believe that crash testing these modified vehicles is unnecessary because the unmodified vehicles have been crash tested and met federal standards.

I think we all understand that there is a major difference between crash testing a modified vehicle with a partition and a vehicle without any modifications. It is also significant that the

▫ 834 Legislative Office Building, Albany, NY 12248 • (518) 455-5676, FAX (518) 455-5282

▫ 315 East 65 Street, New York, NY 10065 • (212) 860-4906, FAX (917) 432-2983

E-mail: KellnerM@assembly.state.ny.us

published crash tests on these vehicles do not study the safety considerations for the majority of TLC customers: rear-seated passengers.

The TLC required Autovan, a company that produces a rear-entry accessible modification of the Toyota Sienna that already was used a taxi in several major North American Cities, to put their vehicle through a meticulous 15 month approval process to determine if it could hold up to the rigors of being a 24/7 New York City Taxi. This included over a year of road testing and driver and rider evaluations. Additionally, Autovan was made to pay for the crash testing of its modified version of the Sienna in order to prove that it was safe as well obtain Toyota's manufacture endorsement or have an independent engineer sign off on the structural integrity of each vehicle that comes off the assembly line. Officials at the TLC repeatedly told me that the reason for all of this scrutiny was that the safety of the modified Sienna was the TLC's paramount concern and that is how it should be for all vehicles.

But politics seemed to have trumped safety, particularly when one sees the glaring contrast between the process I just described and the way in which hybrid vehicles were pushed through for TLC approval. Depending on the Hybrid model, they were only road tested for between a few months and a few weeks and in one instance not at all. There was no crash testing or engineering studies. Toyota refuses to endorse its hybrid models for use as a commercial taxi and the owners' manuals for all these vehicles state repeatedly that they should not be modified in any way. If the manufacturer refuses to endorse its vehicles for commercial use, it must be for a good reason – I still do not understand why the TLC does not heed this warning. Recently Autovan announced to the TLC that they would be modifying model year 2009 Toyota Siennas, which are structurally identical to the Model Year 2008 vehicle. The TLC responded by requiring Autovan to ship a modified 2009 Sienna to New York for inspection before approval. The TLC is right to require this, but how can it then justify the approval of the Volkswagon clean diesel Jetta without ever testing it in any way.

If safety is truly the TLC's main concern, I find it outrageous that there is one set of standards for how disabled accessible taxis are approved by the TLC but another for how fuel-efficient taxis are approved. What is worst of all is that it has been left to the industry to police the agency. We must ensure the same rigorous safety testing for every modified vehicle, not pick and choose which ones to crash test to suit the timetables of the Mayor's legacy projects.

Last June, I said that the TLC's deadline of October 1, 2008, for achieving the 25 miles-per-gallon standard was not realistic. I still think that. The TLC should slow down. The first priority should have been the development of the Taxi of Tomorrow. Fuel efficiency is an important factor, but it is not the only one and it surely should not trump safety. The deadline effectively emphasizes fuel efficiency to the exclusion of all other considerations, and in doing so it is endangering the goal of universal accessibility. The fact that there is a lack of real crash test data for the hybrids among the other safety concerns raised by the MTBOT has only increased the need for the Commission to take a step back.

I urge the TLC to reconsider the October 1<sup>st</sup> deadline. We must not squander the progress that has been made by the Taxi of Tomorrow initiative and we must not put riders in harms way. The ultimate goal is within reach: taxis for all, accessible, environmentally friendly, and most of all safe. It is critical that we take advantage of this opportunity, rather than letting it slip away in the name of political expediency.

Testimony of Ron Sherman, President of Metropolitan Taxicab Board of Trade Before  
the New York City Council Transportation Committee  
Hearing: "Green Taxis: Are They Safe?"  
Date: September 10, 2008, 1pm, City Hall

Good afternoon Chairman Liu and distinguished members of the Committee. I'd first like to thank Chairman Liu and this Committee for your vigilance in protecting the safety of the 240 million annual yellow taxi passengers and the tens of thousands of drivers.

Nothing is more important than human life. If you place human lives in your hands, as every taxi fleet owner does, you understand that it is never acceptable to compromise safety. And by holding this 2<sup>nd</sup> oversight hearing on the misguided and dangerously accelerated mandate that requires untested passenger hybrid taxis to replace purpose-built taxicabs, you are acknowledging the City's obligation to protect the lives and safety of its citizens, workforce and visitors.

I am going to be very brief and very direct. Passengers are going to get hurt or killed in hybrid taxis. Drivers are going to get hurt or killed in hybrid taxis. We absolutely must prevent this tragedy from happening.

Yesterday, MTBOT released a report from Bruce Gambardella, a professional engineer known for his work in automotive safety. We've sent copies to all the members of the Committee. I have extras if you need them. In this report, Mr. Gambardella compares and assesses the safety of hybrid taxicabs after months of comprehensive study. Not surprisingly, he found that:

- Hybrids are not designed for 24/7 commercial use and must not be placed in service as taxicabs
- Hybrids are too small to provide the protection that taxi passengers and drivers require
- Hybrids are not designed to hold partitions, so in practice, they may block side curtain airbags, dangerously reduce legroom by up to 10 inches, and are insecurely mounted, which cause them to become dislodged in accidents

I just came from a TLC hearing this morning, where the topic was vinyl seats – which are mandated by TLC because cloth seats are fire hazards, easily torn and most importantly more difficult to clean. As it turns out, manufacturers warned the TLC that the vinyl seats they mandate interfere with the airbag sensors. Now the TLC wants to take vinyl seats out. All the TLC would have needed to do is read the owners manuals where they would have found several warnings that prohibit after-market seats for precisely this reason. The same warnings apply to the most important modification – the partition.

The TLC once again ignored the evidence before them because the City is hell-bent on putting hybrids on the road no matter how incredibly unfit they are for taxi use. What will it take for the TLC to realize hybrids are not safe taxicabs – an injury? A fatality? I'm testifying here to say that unless we act rationally – and wait for purpose-built, fuel-efficient taxicabs to come out next year, that is exactly what is going to happen.

Thank you very much. I would be happy to answer any questions you may have.

**Testimony of C. Bruce Gambardella, P.E. Before the New York City Council  
Transportation Committee Oversight Hearing "Green Taxis: Are They Safe?"  
September 9, 2008**

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Good afternoon Mr. Chairman and members of the Committee. My name is C. Bruce Gambardella. I am a professional engineer licensed in New York, Michigan and Connecticut and have worked as an accident reconstruction expert full-time since 1982. My clients have included the City of New York, Ford Motor Company, General Motors and the New York State Attorney General's Office. I've inspected more than 3,000 vehicles and performed more than 1,300 detailed accident reconstructions.

The Metropolitan Taxicab Board of Trade hired me to analyze the safety of hybrid taxicabs out of industry concern for their passengers and drivers. Over a period of months, I performed evaluations on three hybrid taxicabs – the Ford Escape, the Toyota Highlander and the Nissan Altima – and performed accident reconstruction studies on a crashed Ford Escape Hybrid. I also studied publicly available safety information on these and other hybrids. I would like to share the key findings of my report.

**All things being equal, larger and heavier vehicles are safer vehicles.** A comprehensive inspection of a 2007 Ford Escape Hybrid that was totaled in a rear-end collision revealed that *the g-load (force or acceleration) that an individual would experience in a collision would be 40% greater in a Ford Escape Hybrid than it would be in a stretch Ford Crown Victoria.* A 40% reduction in the peak g-load during a crash is highly significant and will dramatically reduce the potential for injury.

**The Ford Crown Victoria Long Wheel Base (or stretch) is the safest taxicab available.** Produced exclusively for the police and taxi markets, the Crown Victoria is a big-heavy-duty commercial with large crumple zones. It is engineered to withstand serious collisions and 24/7 commercial usage. It has abundant rear seat room to allow for expected occupant movement in a crash.

**Hybrids are non-commercial passenger vehicles that were never intended to hold partitions or be rigorously used in 24/7 operation and have insufficient rear occupant space.**

**The TLC has either ignored or didn't read the hybrid owners manuals, which all warn against modifications precluding the installation of partitions.**

**Partitions in hybrid taxis may block the vehicle's side curtain airbags.** Hybrids like the Ford Escape and Nissan Altima require greater safety measures including side curtain airbags to compensate for their small size and light weight. Partitions are necessary in New York City taxis to prevent drivers from being assaulted, robbed or killed. The partitions in the hybrids inspected were mounted flush against the side curtain airbags and therefore may interfere their proper deployment. Partitions and hybrids, the report finds, are incompatible.

**Frequent and severe facial injuries will occur in small hybrid taxis due to inadequate space between the partition and passenger.** The Ford Escape Hybrid, for example, has 10 inches less

rear-seat occupant space than the stretch Ford Crown Victoria. In hybrid taxis, even belted rear-seat occupants of average stature are very likely to hit their heads on the partition in an accident. The significant difference in rear-seat occupant space between a Crown Victoria and a small hybrid vehicle like the Escape, Highlander and Altima is the difference between striking and not striking the partition in an accident.

**The L-Shaped partition is particularly dangerous**, due to its prominent hard surfaces and sharp edges – an anomaly in an automotive industry that strives specifically to avoid hard surfaces and sharp edges. *This crude modification changes the entire interior environment and takes us back about a half a century in automotive safety.*

**The L-shaped partitions cannot be securely mounted in hybrid taxis.** The L-shaped partition must be affixed to whatever available plastic exists near the center console, increasing the risk of it being dislodged in an accident -- as it was in a crashed 2007 Ford Escape Hybrid inspected for this report.

**Taxi drivers are at great risk of injury in hybrid taxis.**

- Small hybrids with L-shaped or full-width partitions do not permit drivers to recline their seats to create distance from the front airbags. Manufacturers warn that sitting too close to the front airbags could result in injury or death in an accident.
- Drivers face a dangerous glare on the right side of the L-shaped partition.
- Drivers are boxed in with the L-shaped partition and may have trouble escaping from an accident. Further it limits access to injured drivers pinned in the vehicle.
- The L-shaped partition fore/aft wall presents a serious hazard in side impacts.

**Ford Escape Hybrids and other SUVs have higher rollover rates** than Crown Victorias, which are not known to rollover. The 2008 Ford Escape Hybrid has only a 3-star NHTSA rollover rating which drops to a low 2-star rating when the car is fully loaded with passengers – as many taxicabs are. Crown Victorias have a 5-star rollover rating.

**The TLC cannot rely on federal safety ratings to assert the safety of rear-seat occupants in hybrid taxis.** The National Highways and Transportation Safety Administration (“NHTSA”) and Insurance Institute for Highway Safety (“IIHS”) do not conduct front or rear end crash tests on rear seated adults – the vast majority of taxi passengers. In addition, neither NHTSA nor IIHS nor the TLC has ever conducted crash tests on modified hybrid taxicabs. It is completely unknown whether these modified cars would pass federal crash tests.

Adult rear seat occupants are not studied by NHTSA as they have the lowest injury rates in real world crashes. This is due to the benign nature of the rear seat environment. This totally changes with the addition of a partition.

*And finally, the subject of a hearing this morning at the TLC....*

**The TLC has a history of ignoring warnings and placing the public in danger.** The TLC ignored warnings about after-market vinyl seats such as: “Do not modify or replace the seats or upholstery with side-impact airbags. Such changes may prevent the side airbag from activating correctly.” (Toyota Highlander Hybrid 2006 manual, p. 94) Until last month, the TLC

mandated that all hybrids have vinyl seat coverings. After being contacted by concerned automakers, on August 4, 2008, the TLC instructed medallion owners to remove the vinyl seats because they “will prevent the front-seat airbags from deploying or limit the force of deployment” and “may prevent the seat-installed side/thorax airbags from working properly.”

In my report I strongly suggest that New York City only approve vehicles that are designed for commercial use. I also recommend that the City crash-test all vehicles under consideration for taxi use – with properly engineered partitions. And finally, I think the City is on the right track with its “Taxi of Tomorrow” project – the City should continue to work with the auto industry and the taxi industry to get the best available purpose-built taxi for New York City.

# **Disabled In Action**

of Metropolitan New York

## **Testimony to the City Council's Transportation Committee Oversight: Oversight - Green Taxis: Are They Safe?**

I am Edith Prentiss, Vice President -Legislative Affairs of Disabled in Action of Metropolitan New York, the President -the 504 Democratic Club and a member of the Taxis For All Campaign. I would like to thank the Committee and especially the Chair, Council Member John Liu, for the opportunity to address the Committee on the issue of whether Green Taxis are safe.

The popularity of non combustion engine vehicles is growing. A major factor for this is the cost of gasoline; hybrids' higher MPG and tax/rebate ~~the~~ incentives for going green. At present is estimated that over 8,000,000 hybrid, electric and fuel-cell based vehicles on the road nation wide. Since motor vehicles replaced horses, the sound of a combustion engine has been the acoustic warning cue. Without the engine ping, roar or purr all pedestrians, cyclists, children and animals are at risk. The risk is even greater people with sensory disability, those of vision and hearing. This is such an important issue that guide dog training programs in southern California have added hybrids to their training curriculum.

Hybrid car blogs are filled with self serving defensive claims. Streets are too noisy, Blind people have to be more attentive. A~~n~~d shouldn't people who are deaf or hard of hearing look both ways. An equal concern is pedestrians plugged into their music or wearing noise mitigating earphones.

This has become such a major issue that Congressman Towns introduced H.R.5734 the Pedestrian Safety Enhancement Act of 2008..It directs the Secretary of Transportation to study and report to Congress on the minimum level of sound that is necessary to be emitted from a motor vehicle, or some other method, to alert blind and other pedestrians of the presence of operating motor vehicles while traveling. .Eight states have or are considering similar bills. The problem is that we can't wait for a study and report.

Lotus Engineering has developed technologies to synthesize external sound. The Enhanced Vehicle Acoustics with ~~its~~<sup>its</sup> directed sound is extremely interesting as it senses the pedestrian and directs the sound at them. I wonder how many pedestrian it can sense and direct noise to at a time.

Pedestrian/motor vehicle interactions are fraught with danger. A particular problem occurs when the pedestrian/wheelchair user <sup>and a vehicle</sup> are traveling in the same direction on the same light. Add a vehicle running electric (that is quiet); the pedestrian/wheelchair is dead meat! What has not been address is driver responsibility to yield to the pedestrian. Stand at an intersection and just watch vehicle whipping around pedestrian as if playing dodge ball!

The Mayor's Green Taxi edict did not take into consideration pedestrian safety. In addition to the failing to include wheelchair accessibility, it also failed to include an educational component. School children are taught to look and listen, to look both ways. We now need to add search the horizon for the quiet green vehicle. We are use to motor vehicles' acoustic cues, we need to develop and learn how to recognize quite vehicles.



The Metropolitan Taxicab Board of Trade (which the Daily News stated "represents the cab drivers and passengers of *New York City taxi cabs*). Their suit, filed in federal court yesterday, claims hybrids because they're smaller than Crown Vics are putting driver and passengers at risk in an accident.. All motor vehicles are bigger and heavier than a pedestrian, cyclist and wheelchair/scooter users. The greatest danger is to those outside the vehicle.

Interestingly, the Board does not seem concerned that due to the small space, many wheelchair and scooter using passengers can not face forward in accessible cabs and some are much too close to the partition. Is the Board representing those of us who can only use WC accessible taxis?

At present, all green vehicles not just taxis are dangerous in New York City. Lacking acoustical cues they are dangerous even for those who look both ways. Until vehicles are equipped or designed to produce an acoustic or other cue, everyone outside the vehicle will be in danger.

**MARVIN WASSERMAN,  
EXECUTIVE DIRECTOR  
BROOKLYN CENTER FOR INDEPENDENCE OF THE DISABLED  
27 SMITH STREET/SUITE 200  
BROOKLYN, NY 11201  
(718) 998-3000 – VOICE  
[mwasserman@bcid.org](mailto:mwasserman@bcid.org)**

**Testimony before New York City Council Transportation Committee  
September 10, 2008**

I'm Marvin Wasserman, Executive Director of the Brooklyn Center for Independence of the Disabled. I'm here today to express my concern about how hybrid taxis affect the safety of persons with disabilities, as well as others in the community.

In 2007, the National Federation of the Blind reported that hybrid cars posed a hazard to blind pedestrians because they make little noise at slower speeds.

A study earlier this year conducted by a psychologist at the University of California Riverside reach the same conclusion. The study found that in some contexts, pedestrians, both blind and sighted, may have only one second to hear approaching hybrid vehicles operating at very slow speeds. This has particular implications for people who are blind as well as small children, senior citizens, runners, cyclists and others.

Technology does exist to remedy this. Stanford University graduate students have created a device which emits a soft, hum that is heard when the silent electric motor is engaged.

We strongly urge you to enact legislation to assure that the electric engines of all hybrid taxis be required to emit some sound.

We note that clean air is a disability issue. The current regulations call for a gradual advance to a fleet that is composed entirely of vehicles which are either fuel efficient or wheelchair accessible. We note that Intro 378, would create a fleet that is both fuel-efficient and wheelchair accessible, and this technology is certainly within the next few years of coming into fruition.

We call upon the Council to pass Intro 378.

Thank you for your attention.



E D A L L I O N

MAINTENANCE INC.

Medallion Leasing, Rentals and New Taxicab Financing

46-02 Vernon Blvd., L.I.C., NY 11101  
Tel (718) 472-9000 Fax (718) 482-7419  
140 Elm Drive, East Hills, NY 11576  
Tel (516) 484-1971 Fax (516) 484-0039

September 10, 2008

Mr. Chairman John Liu, distinguished members of the New York City Council Transportation Committee and distinguished guests:

Let me introduce myself. My name is Richard Ackerman. I am the owner operator of Medallion Maintenance. We own and manage about 80 NYC yellow Medallion taxicabs since 1979. I have been working in the NYC Taxi Industry for almost my entire life. My family owned and operated about 300 medallions until about 1977. I have been working in all aspects of the business for almost forty years. As a young teenager I worked in the shop rebuilding parts and during college summers in the office. I worked on accident investigation for years. I became an NYS motor vehicle inspector, and spent a lot of time testifying on accident case damages in court.

In the short term, specifically over the next year, I believe that the available hybrids will present many problems to the NYC taxicab industry, including but not limited to safety, durability, supply shortage and difficulty obtaining repairs and parts.

The largest issue is safety. I am firmly convinced that passengers will be injured much more frequently in the currently available hybrid vehicles. Facial injuries from rear seat passengers making contact with the partition in an accident have been virtually eliminated with the 6 inch extended Crown Victoria's that we presently use. This is not the case with the present hybrids. The currently available hybrids have less room between the passenger and the partition than a non-extended Crown Victoria. This will cause an increased number of facial injuries to passengers. The second major safety issue is that in contrast to the present Crown Victoria, which has had no known rollovers in NYC taxi use, the current hybrids have extremely poor rollover rates. The SUV hybrids are especially more prone to rollovers. In fact the NHTSA, National Highway Safety Administration, reports that SUV's have a rollover rate that is 3X that of passenger cars.<sup>1</sup> As any expert will confirm, rollover accidents account for the most severe injuries to passengers

as well as the highest rate of fatalities. Another safety problem with the hybrid is the crash zone. The crash zone of a currently available hybrid is about half as long as the existing zone in the Crown Victoria. The crash zone is key to passenger safety when an accident occurs. The longer the crash zone, the more the vehicle absorbs the impact of the crash, thereby lessening the impact to the passenger. While the hybrid car passes safety tests from the government Institute for Highway Safety, those tests are not relevant in motor vehicle accidents when one vehicle crashes into another vehicle. That is because those tests only crash the vehicle into a barrier and does not crash two vehicles of different weights into each other. Additionally, the test statistics that are reported are for front seat injuries only. Rear seat passenger injury rates are not reported. In the real world these test have little relevance. The hybrid cars that are presently available are so much lighter than the Ford Crown Victoria that the laws of physics will apply. The occupants of the hybrid vehicle will receive more of the impact and therefore will be subject to increased injury.

A second issue that exists with the current hybrids is that none of them were designed for commercial use, let alone NYC taxi use. Being an operator of NYC taxis for over 40 years and 3 generations, I am certain that these are disposable vehicles. Hybrid vehicles were not designed for the durability required of a NYC taxicab. They will not stand up to the rigorous driving use of a NYC taxi. This will mean that vehicles will be requiring repair much more frequently than the Crown Victoria's and will need to be replaced at a much greater frequency. There is a huge difference in hours of use between a NYC Yellow Medallion taxi and a passenger car. In mileage, the difference is about 1 year of taxi use to about 6 years of personal use, but in comparison of hours of use, it's more like 1 year of taxi use to as much as 18 years of personal use. In addition, there is currently a real shortage of the parts and trained mechanics necessary to repair these vehicles. Cars will be sitting at dealers for weeks and weeks waiting for repairs, while the public is denied service and owners are trying to figure out how to pay their bills.

Operators who have tried some of these vehicles, such as the Chevy Malibu, discovered that within a short period of time the demand by the drivers to lease these vehicle reversed itself. This is because the drivers no longer wanted to drive the vehicles. Drivers began to request the Crown Victorias again. One of the reasons for this is because of monetary issues. Drivers discovered that these vehicles were not reliable and the promised fuel economy is extremely overstated. They found that they were experiencing much greater down time and this was causing them to lose income. Another reason is fatigue. Drivers soon discovered that they were experiencing a much increased level of fatigue while driving these

vehicles. This fatigue then becomes a safety issue. Drivers who are fatigued are not as alert and their reflexes are slowed, thereby contributing to a higher accident rate.

We are all in favor of clean air. Our drivers and owners want fuel efficient vehicles even more than the city wants us to have them. I am certain that if there was a safe, durable and energy efficient vehicle designed to meet the rigorous demands of taxicab use in NYC available now, we would all switch to them willingly. It would not be necessary for the city to demand the changes, they would occur on their own. Ford has a vehicle, the Ford Transit Connect, that is safe, durable, and large enough to satisfy all the needs of the public and the taxicab industry. This vehicle has been tested in Europe and has been proven safe and capable of enduring the rigors of cab use. This vehicle, while not a hybrid, does get about 20 miles per gallon and would provide the taxicab industry with a viable stepping stone into the hybrid technology. This vehicle would double the mpg for taxis and still provide the needed safety and comfort that passengers desire. This would also give the car industry time to develop what is needed in a hybrid vehicle, just as they have done in buses and trucks. This vehicle would be available in less than a year.

In summary, although the city's idea to go green is a wonderful idea, it is premature and far too aggressive considering the current technology available. I believe that there are numerous negative issues against the current hybrid vehicles. The most important of these is that these vehicles are extremely dangerous to the public. Therefore, they should not be permitted for NYC taxicab use until the issues are resolved. As a government official, are you willing to endorse a vehicle that will hurt a greater percentage of people? As an owner and fleet manager, I am not! I suggest that the city push back the October 2008 deadline until there is a vehicle that is safe. I believe that it is unreasonable for the city to demand that taxis go from no mpg regulation to unrealistic mpg regulations. A much more realistic approach is to allow the use of vehicles that greatly improve the mpg statistics for taxis. The Ford Transit Connect could be used as such an interim vehicle. This would double the mpg efficiency for taxis and still maintain the needed safety for passengers and drivers. Tests have shown that the tailpipe emissions from the Ford Transit Connect are half of that of the Crown Victoria. In addition, Ford has indicated that they would be willing to convert this vehicle into a hybrid if the demand was there. Delaying the proposed schedule a short while and substituting a slightly less fuel efficient car in the interim would satisfy the needs of all involved.

<sup>1</sup> "The safest SUV? 2007\*2008 Hybrid SUV Safety Ratings", May 4, 2008, <http://www.hybridsuv.com/hybrid-resources/hybrid-suv-safety-ratings>



FORD TRANSIT CONNECT



**Metropolitan Council of Low Vision Individuals**  
**357 West 55<sup>th</sup> Street, Suite 1F**  
**New York, NY 10019**



I am the President of the Metropolitan Council of Low Vision Individuals. I thank the Transportation Committee for this opportunity to present testimony about the significant danger represented by hybrid taxis as those vehicles are now designed. Wherever a taxi, or any other vehicle, is operating near pedestrians without producing any motor sound, it is a danger to pedestrians who cannot see it, and, to other classes of pedestrians also.

We certainly acknowledge that hybrid vehicles and motor vehicles of other types not solely dependent on fossil fuels, represent a substantial step toward a "green" environment. They also are appreciated for not adding to "noise pollution". Indeed, my organization lauds both these admirable goals, and we hasten to assure you that they can be pursued without the trade-off of creating a very hostile pedestrian environment. We are convinced there are ways to add an audible aspect to these vehicles that is low-cost and low-tech, without raising the overall noise level on our City streets one decibel!

Research presented to the National Highway Transportation Safety Administration on June 23rd, established that a hybrid vehicle need only offer an added, engineered sound at low speeds. That is where it is needed... as it approaches a crosswalk or maneuvers through an intersection, or comes down a driveway, or backs out of a parking lot slot. So a hybrid taxi with an added



audible aspect will be no different as it cruises through a quiet residential neighborhood. Hybrids, and other passenger vehicles too, at speeds of 20 or 30 miles an hour, all generate sound primarily from tires on pavement and from air turbulence.

I myself have been hit by a car twice now, that I did not hear coming at me. Once a small sedan backed out of a suburban Burger King parking space into me, sending me to a hospital emergency room in an ambulance. Once a car turning onto Eighth Avenue from 55th Street brushed against me with its side as it scooted by, no doubt its driver expecting me to yield slightly. I would have been willing to yield to it if I had known of its approach. Fortunately I was startled but not injured by that contact.

Other research presented to the NHTSA indicates that everyone's brain makes use of audible information, not just the vision impaired. Bicyclists realize they use it in traffic moving alongside and behind them. A pedestrian concentrating on a cell phone conversation is depending upon it more than he realizes, as does the pedestrian focusing on the about-to-change DON'T WALK Signal and not looking to his side as he inches out into the street. Any doubter need only move through a few busy intersections with ears tightly covered, to experience a certain uneasiness in spite of full visual information.

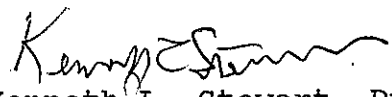
It could be argued that taxis among all categories of urban traffic, are the most threatening to pedestrians already. They stop and start from unconventional spots in and near crosswalks, dart across traffic lanes to fetch a customer, and, hustle through intersections hurriedly. Mayor Bloomberg's original press release

announcing the goal of having the City's entire fleet of nearly 13,000 taxis eventually utilizing hybrid technology, triggered an immediate formal response from me. In turn, the Mayor's Commissioner in the Mayor's Office for People With Disabilities, acknowledged the legitimacy of my concern.

Our aging population constitutes another significant and specific endangered species. The U.S. Census Bureau estimates that by the Year 2030, there will be 70 Million people over Age 65, a full Twenty-Per Cent of the population. These are pedestrians who are likely to have slower reflexes and lower crossing pace, as well as diminishing visual acuity.

Auto manufacturers are beginning to attend to this serious threat to public safety. They are studying alternative engineered solutions for "quiet cars". But the auto industry will be motivated to make progress more rapidly if governmental entities establish regulations requiring such an audible aspect if a taxi, or other silent vehicle, is to be permitted to use public streets. Indeed, municipal governments are major customers of those manufacturers. Those customers, including the City of New York of course, should require an audible aspect on every hybrid vehicle purchased for any Department or Commissioner.

Respectfully submitted,

  
Kenneth L. Stewart, President

September 8, 2008

**GOOD AFTERNOON CHAIRMAN LIU AND  
DISTINGUISHED MEMBERS OF THE NYC COUNCIL  
TRANSPORTATION COMMITTEE.**

**MY NAME IS MALCOLM RATTNER AND I OPERATE A  
DOUBLE SHIFTED, 24/7 YELLOW TAXICAB FLEET IN  
BROOKLYN. I HAVE GROWN UP IN THE TAXI  
BUSINESS – 45 YEARS TO BE EXACT. I STARTED MY  
CAREER BY PUMPING GAS, FIXING TAXICABS AND  
EVEN DRIVING A TAXICAB. THROUGH A LOT OF  
HARD WORK, PERSEVERANCE AND MANY  
CHALLENGES, I WAS ABLE TO OPEN MY OWN FLEET  
TAXICAB GARAGE AND I CURRENTLY OPERATE  
APPROXIMATELY 170 MEDALLION TAXICABS. THIS  
BUSINESS IS MY LIFE.**

AS THE FATHER OF 2 CHILDREN, THE YOUNGEST BEING MY SON MAX WHO IS 8 YEARS OLD, I CONTINUE TO WORK EVEN HARDER SO THAT THE BUSINESS WILL STILL BE VIABLE FOR HIM TO TAKE OVER WHEN HE IS OF AGE. AT HIS EARLY AGE, I HAVE BEGUN TO INTRODUCE HIM TO "WHAT GOES ON AT THE GARAGE". WHO KNOWS, EVEN MY 18 YEAR OLD DAUGHTER, ANN MAY EVEN JUMP IN AND RUN THE BUSINESS BEFORE MY SON.

MR. CHAIRMAN AND COUNCIL MEMBERS, I AM CONCERNED ABOUT THE CURRENT TLC MANDATE PERTAINING TO ALL TAXICABS HACKED UP AT THE TLC AFTER OCTOBER 1, 2008 MUST GET 25 MPG. AND IN 2009 MUST GET 30 MPG. I DON'T THINK THAT THE CITY REALIZES --- WE ARE NOT NEARLY READY FOR THIS YET – THE HYBRID VEHICLES THAT

HAVE BEEN APPROVED BY THE TLC TO BE PUT ON  
THE ROAD AFTER OCTOBER 1<sup>ST</sup> ARE PASSENGER  
CARS AND ARE NOT TAXICABS. THERE IS NO WAY  
THAT THEY WILL BE ABLE TO STAND UP TO  
THE CITY STREETS 7 DAYS A WEEK, 24 HOURS A DAY.  
NO WAY – NO HOW.

I AM A MANHATTAN RESIDENT – I TAKE YELLOW  
TAXICABS EACH AND EVERY DAY BACK AND FORTH  
TO MY GARAGE IN BROOKLYN. I AM OVER 6 FEET  
TALL – A LITTLE OVER “MIDDLE AGE” AND I CAN’T  
GET IN OR OUT OF THEM BECAUSE OF MY SIZE. I  
LOOK AT PEOPLE HAILING TAXIS ON THE CITY  
STREETS AND I NOTICE MORE AND MORE  
THAT PEOPLE PASSING THE HYBRIDS UP AND  
LOOKING FOR CROWN VICTORIAS. ESPECIALLY  
OLDER PEOPLE.

THE SECOND THING THAT WORRIES ME IS THE FACT THAT I CAN FIX AT MY GARAGE ANY TAXICAB OF MY THAT COMES BACK WITH MECHANICAL DIFFICULTY - THEY CAN BE FIXED RIGHT ON THE SPOT AND ARE BACK ON THE ROAD FOR THE NEXT SHIFT. I EMPLOY OVER 20 MECHANICS – SOME WHO HAVE BEEN WITH ME FOR 30 YEARS – THEY KNOW HOW TO FIX CARS. I HAVE EVEN SENT THEM TO CLASSES TO FIX HYBRIDS BUT IT IS NOT THAT EASY TO FIX THEM -- THE CARS WILL SIT UNTIL SOMEONE FINDS OUT WHAT'S WRONG WITH THEM.

NOW TO THE MOST IMPORTANT ISSUE – ARE THEY SAFE??????????? NO. WHY? HAVE YOU EVER SAT INSIDE AN ESCAPE. HAVE YOU BEEN ABLE TO MOVE YOUR LEGS? DO YOU FEEL LIKE YOUR FACE IS UP

**AGAINST THE PARTITION? YES, IT IS  
WHAT HAPPENS WHEN A TAXICAB  
IS FORCED TO STOP SUDDENLY?**

**HAVE WE CONSIDERED THE SAFETY AND COMFORT  
OF THE DRIVERS? THEY ARE LITERALLY IN A BOX.  
ANYONE WITH CLAUSTROPHOBIA WOULD NOT BE  
ABLE TO SIT THERE FOR 12 HOURS. HAVE YOU SEEN  
THE L-SHAPED PARTITION THAT CLOSES THEM IN?  
DRIVERS WHO ARE DRIVING HYBRIDS FROM OTHER  
PLACES ARE COMING TO MY GARAGE TO SEE IF THEY  
CAN LEASE CROWN VICTORIAS.**

**THEY ARE NOT PLEASED WITH THEM. THEY FEEL  
EVERY BUMP; THEY FEEL IF THEY ARE HIT THEY HAVE  
NO PROTECTION.**

**WHAT WORRIES ME MORE IS THAT IN AN ARTICLE IN**

**THE NY TIMES PRINTED ON APRIL 27, 2008 TITLED  
FEAR, BUT FEW FACTS, ON HYBRID RISKS.**

**I READ THIS ARTICLE WITH INTEREST BECAUSE I WAS  
A DRIVER AND I ALWAYS KEEP THE BEST INTERESTS  
OF MY DRIVERS AT HEART.**

**THE ARTICLE SAID THAT BECAUSE OF THE BATTERIES  
AND POWER CABLES IN HYBRID VEHICLES – THERE  
ARE POTENTIAL HAZARDS OF LONG TERM EXPOSURE  
DUE TO STRONG ELECTRO MAGNETIC FIELDS AND  
THERE ARE STUDIES SHOWING THE RISK OF CANCER,  
LEUKEMIA AND OTHER LIFE THREATENING  
DISEASES. THIS CAN'T HAPPEN – ARE YOU AWARE  
OF THIS?? THEY SIT OVER THESE BATTERIES FOR 12  
HOURS A DAY!! IS THAT SAFE?? PLEASE DON'T**



**DISMISS THAT CONCERN. THIS ARTICLE SAYS A LOT.  
I HAVE A COPY IF YOU HAVE NOT SEEN IT.**

**COMPROMISING OUR DRIVER'S HEALTH IS ANOTHER  
ISSUE ALL BY ITSELF.**

**I'VE SAID WHAT I HAVE TO SAY. I AM NOT AGAINST  
THE INITIATIVE TO GO GREEN – I SUPPORT ANY  
ENDEAVOR WE MAKE TO IMPROVE OUR  
ENVIRONMENT – I HAVE YOUNG KIDS BUT I ALSO  
HAVE APPROXIMATELY 700 DRIVERS TO WORRY  
AND BE CONCERNED ABOUT.**

**ANY QUESTIONS – PLEASE ASK.**

**THANK YOU.**

April 27, 2008

MOTORING

## Fear, but Few Facts, on Hybrid Risk

By JIM MOTAVALLI

ALMOST without exception, scientists and policy makers agree that hybrid vehicles are good for the planet. To a small but insistent group of skeptics, however, there is another, more immediate question: Are hybrids healthy for drivers?

There is a legitimate scientific reason for raising the issue. The flow of electrical current to the motor that moves a hybrid vehicle at low speeds (and assists the gasoline engine on the highway) produces magnetic fields, which some studies have associated with serious health matters, including a possible risk of leukemia among children.

With the batteries and power cables in hybrids often placed close to the driver and passengers, some exposure to electromagnetic fields is unavoidable. Moreover, the exposure will be prolonged — unlike, say, using a hair dryer or electric shaver — for drivers who spend hours each day at the wheel.

Some hybrid owners have actually tested their cars for electromagnetic fields using hand-held meters, and a few say they are alarmed by the results.

Their concern is not without merit; agencies including the National Institutes of Health and the National Cancer Institute acknowledge the potential hazards of long-term exposure to a strong electromagnetic field, or E.M.F., and have done studies on the association of cancer risks with living near high-voltage utility lines.

While Americans live with E.M.F.'s all around — produced by everything from cellphones to electric blankets — there is no broad agreement over what level of exposure constitutes a health hazard, and there is no federal standard that sets allowable exposure levels. Government safety tests do not measure the strength of the fields in vehicles — though Honda and Toyota, the dominant hybrid makers, say their internal checks assure that their cars pose no added risk to occupants.

Researchers with expertise in hybrid-car issues say that while there may not be cause for alarm, neither should the potential health effects be ignored.

“It would be a mistake to jump to conclusions about hybrid E.M.F. dangers, as well as a mistake to outright dismiss the concern,” said Jim Kliesch, a senior engineer for the clean vehicles program at the Union of Concerned Scientists. “Additional research would improve our understanding of the issue.”

Charges that automobiles expose occupants to strong electromagnetic fields were made even before hybrids became popular. In 2002, a Swedish magazine claimed its tests found that three gasoline-powered Volvo models produced high E.M.F. levels. Volvo countered that the magazine had compared the measurements with stringent standards advanced by a Swedish labor organization, not the more widely accepted criteria established by the International Commission on Non-Ionizing Radiation Protection, a group of independent

scientific experts based near Munich.

Much of the discussion over high E.M.F. levels has sprung from hybrid drivers making their own readings. Field-strength detectors are widely available; a common model, the TriField meter, costs about \$145 online. But experts and automakers contend that it is not simple for a hybrid owner to make reliable, meaningful E.M.F. measurements.

The concern over high E.M.F. levels in hybrids has come not just from worrisome instrument readings, but also from drivers who say that their hybrids make them ill.

Neysa Linzer, 58, of Bulls Head in Staten Island, bought a new Honda Civic Hybrid in 2007 for the 200 miles a week she drove to visit grocery stores in her merchandising job for a supermarket chain. She said that the car reduced her gasoline use, but there were problems — her blood pressure rose and she fell asleep at the wheel three times, narrowly averting accidents.

"I never had a sleepiness problem before," Ms. Linzer said, adding that it was her own conclusion, not a doctor's, that the car was causing the symptoms.

Ms. Linzer asked Honda to provide her with shielding material for protection from the low-frequency fields, but the company declined her request last August, saying that its hybrid cars are "thoroughly evaluated" for E.M.F.'s before going into production. Ms. Linzer's response was to have the car tested by a person she called her wellness consultant, using a TriField meter.

The TriField meter is made by AlphaLab in Salt Lake City. The company's president, Bill Lee, defends its use for automotive testing even though the meter is set up to test alternating current fields, whereas the power moving to and from a hybrid vehicle's battery is direct current. "Generally, an A.C. meter is accurate in detecting large electromagnetic fields or microwaves," he said.

Testing with a TriField meter led Brian Collins of Encinitas, Calif., to sell his 2001 Honda Insight just six months after he bought it — at a loss of \$7,000. He said the driver was receiving "dangerously high" E.M.F. levels of up to 135 milligauss at the hip and up to 100 milligauss at the upper torso. These figures contrasted sharply with results from his Volkswagen van, which measured one to two milligauss.

Mr. Collins said he tried to interest Honda in the problem in 2001, but was assured that his car was safe. He purchased shielding made of a nickel-iron alloy, but because of high installation costs decided to sell the car instead.

A spokesman for Honda, Chris Martin, points to the lack of a federally mandated standard for E.M.F.'s in cars. Despite this, he said, Honda takes the matter seriously. "All our tests had results that were well below the commission's standard," Mr. Martin said, referring to the European guidelines. And he cautions about the use of hand-held test equipment. "People have a valid concern, but they're measuring radiation using the wrong devices," he said.

Kent Shadwick, controller of purchasing services for the York Catholic District School Board in York, Ontario, evaluated the Toyota Prius for fleet use. Mr. Shadwick said it was tested at various speeds, and under hard braking and rapid acceleration, using a professional-quality gauss meter.

"The results that we saw were quite concerning," he said. "We saw high levels in the vehicle for both the

driver and left rear passenger, which has prompted us to explore shielding options and to consider advocating testing of different makes and models of hybrid vehicles.”

In a statement, Toyota said: “The measured electromagnetic fields inside and outside of Toyota hybrid vehicles in the 50 to 60 hertz range are at the same low levels as conventional gasoline vehicles. Therefore there are no additional health risks to drivers, passengers or bystanders.”

The statement adds that the measured E.M.F. in a Prius is 1/300th of the European guideline.

The tests conducted by hybrid owners rarely approach the level of thoroughness of those run by automakers.

Donald B. Karner, president of Electric Transportation Applications in Phoenix, who tested E.M.F. levels in battery-electric cars for the Energy Department in the 1990s, said it was hard to evaluate readings without knowing how the testing was done. He also said it was a problem to determine a danger level for low-frequency radiation, in part because dosage is determined not only by proximity to the source, but by duration of exposure. “We’re exposed to radio waves from the time we’re born, but there’s a general belief that there’s so little energy in them that they’re not dangerous,” he said.

Mr. Karner has developed a procedure for testing hybrids, but he said that the cost — about \$5,000 a vehicle — had prevented its use.

Lawrence Gust of Ventura, Calif., a consultant with a specialty in E.M.F.’s and electrical sensitivity, was one of the electrical engineers who tested Mr. Collins’s Insight in 2001. He agreed that the readings were high but did not want to speculate on whether they were harmful. “There are big blocks of high-amp power being moved around in a hybrid, the equivalent of horsepower,” he said. “I get a lot of clients who ask if they should buy hybrid electric cars, and I say the jury is still out.”

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