

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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September 10, 2008

Start: 1:35pm

Recess: 4:26pm

HELD AT: Council Chambers
City Hall

B E F O R E:

JOHN C. LIU
Chairperson

COUNCIL MEMBERS:

Joseph P. Addabbo, Jr.
Daniel R. Garodnick
G. Oliver Koppell
Vincent Ignizio
Jessica S. Lappin
Michael E. McMahon
Darlene Mealy
Diana Reyna
Larry Seabrook
David Yassky

A P P E A R A N C E S (CONTINUED)

Andrew Salkin
First Deputy Commissioner
Taxi and Limousine Commission

Peter Shankman
Assistant Commissioner
Taxi and Limousine Commission

Micah Z. Kellner
Assembly Member, District 65
New York State Assembly

Jack Ridenour
Chief Engineer (retired), Engineer Safety
Ford Motor Company

Ron Sherman
President
Metropolitan Taxicab Board of Trade

C. Bruce Gambardella
Professional Engineer

Marvin Wasserman
Executive Director
Brooklyn Center for Independence of the Disabled

Kenneth L. Stewart
President
Metropolitan Council of Low Vision Individuals

Edith Prentiss
Vice President of Legislative Affairs
Disabled in Action of Metropolitan New York

Gene Friedman
Taxi Fleet Operator

Vincent Sapone
Managing Director
League of Mutual Taxi Owners

A P P E A R A N C E S (CONTINUED)

Richard Ackerman
Owner/Operator
Medallion Maintenance

Malcolm Radner
Taxicab Fleet Operator

Osmond Chowdery
Member
New York Taxi Workers Alliance

Bill Lindauer
Member
New York Taxi Workers Alliance

Matt Schulken

ISRAEL MARTINEZ: This is the second sound check, canceling the first. This will now be a Committee on Transportation, chaired by John Liu. Today is September 10, 2008. This is Israel Martinez running the sound check, doing the recording.

CHAIRPERSON JOHN C. LIU: Good afternoon. Welcome to today's hearing of the City Council's Committee on Transportation. My name's John Liu, I have the privilege of chairing this Committee. Today we've convened this oversight hearing for the purpose of examining whether green taxis are safe. I think we are aware that Mayor Bloomberg has mandated that taxis achieve a certain miles per gallon rating by October, in a few weeks. This was announced in April of 2007. And that would be 25 miles per gallon by this October, increasing to 30 miles per gallon by next year.

There have been persistent questions and complaints from industry and others concerning the actual safety for passengers and the general public of the hybrid electric vehicles that have been made available for the purposes of

being used as taxicabs on New York City streets. That's why we've convened this hearing. We expect to hear from officials of the Taxi and Limousine Commission. We'll hear from industry representatives, both taxi industry as well the auto manufacturing industry. We'll also hear from drivers and we'll hear from the general public. We will also hear from leaders in the disability community.

I would like at this point to ask the Sergeants to be mindful that we do have people who will be attending today's hearing either in a wheelchair or a scooter. So at that point we will have to make some room to accommodate them. And I also want to thank everybody for their patience. We had to change the venue slightly for today's hearing as the hearing next door was still going on.

We have a number of issues to discuss today. Right now I'd like to introduce my colleagues who are here today, Council Member Oliver Koppell from the Bronx, Council Member Larry Seabrook from the Bronx, Council Member David Yassky from Brooklyn, Council Member Mike

McMahon from Staten Island, Council Member Jessica Lappin from Manhattan and Council Member Dan Garodnick, also from Manhattan.

I'd like to thank the work of our staff, Phil Hahm, our legislative counsel and Chimo Bachery, our finance analyst. With that, we are pleased at this time to be joined by members of the administration, Deputy Commissioner of the Taxi and Limousine Commission, welcome.

COUNCIL MEMBER: Mr. Chairman. Before you begin let me just apologize. I'm also a member of the Committee next door, maybe others are as well, I may be coming in and out for that reason.

CHAIRMAN LIU: Thank you very much for alerting us to that. There will, as usual, be members straddling meetings. Thank you. Please proceed.

ANDREW SALKIN: Good afternoon Chairman Liu and members of the Transportation Committee. My name is Andrew Salkin and I'm the First Deputy Commissioner of the Taxi and Limousine Commission. I'm joined today by Charles Frasier on my left, who is the general counsel of

the Taxi Limousine Commission and Peter Shankman, who is the Assistant Commissioner overseeing our safety and emissions inspections facility at TLC.

I'm here to testify on high safety standards that TLC requires on all vehicles it approves to place on the road 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's important for the committee to know that taxis with better gas mileage meets or exceeds 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 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 New Car Assessment Program, administered by the U.S. Department of Transportation's National Highway Traffic Safety Administration, NHTSA.

The vehicle is then tested by NHTSA

1
2 to ensure compliance. These standards were first
3 put into place in 1967 to ensure that all vehicles
4 meet or exceed a set of ever evolving safety
5 standards. Today, more than 50 standards cover a
6 comprehensive range of vehicle features such as
7 vehicle's ability to avoid an accident, the
8 vehicle's component predictability in a crash and
9 most importantly, the vehicle's ability to protect
10 occupants from injury in the event of an accident.

11 It should be noted that all
12 vehicles, whether they are SUVs, minivans or
13 sedans, are held to the same standard. Regardless
14 of whether New Yorkers are driving their own
15 vehicles or riding in a New York City taxicab,
16 they feel safe because the vehicles are all FMVSS
17 compliant.

18 Once a vehicle model meets the
19 standards set by the federal government and the
20 TLC, an owner may purchase any approved vehicle.
21 Before the vehicle can be placed into taxi
22 service, it must pass an initial hack up
23 inspection at TLC, ensuring TLC required equipment
24 is in place and properly installed. Once in
25 service, it must pass three inspections a year.

Each year TLC performs nearly 60,000 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 its vehicle inspectors are certified and licensed by the New York State Department of Motor Vehicles to conduct these enhanced safety emissions inspections. Additionally, this facility is licensed by New York State Department of Agriculture's Bureau of Ways 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 taxicab. They also ensure that vehicles continue to meet the federal motor vehicle safety standards. Regardless of whether vehicles taxi with improved gas mileage or another type of cab, if it does not meet federal safety and New York State safety standards, it will fail the 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 has reached out to

1
2 automakers to talk about vehicle supply when
3 members of the taxi industry raised concerns about
4 the availability of models that meet the 25 mile
5 per gallon standard. After a series of
6 discussions, three major manufacturers committed
7 in writing to provide a guaranteed number of
8 vehicles specifically for New York City taxi
9 market. Assuming certain conditions are met,
10 Nissan agreed to provide up to 200 Altima hybrids
11 per month. Ford agreed to provide a minimum of 50
12 Escape hybrids per month. And GM agreed to 600
13 Malibu hybrids for a year. Exceeding the
14 estimates needed for the industry and putting
15 questions regarding availability to rest.

16 Through these commitments, the
17 manufacturers have supported the use of their
18 vehicles as New York City taxicabs. In making
19 these commitments, they're all aware of the
20 requirements necessary for a vehicle to be placed
21 on the road as a taxicab. And to this end,
22 they've worked to modify the vehicle specifically
23 for use as a New York City taxicab. For example
24 Ford offers its vehicle in a shade of taxicab
25 yellow that is required by TLC. 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 airbag deployment, which led to a review of standards and a modification to the vinyl seat cover rule, which was approved this morning by TLC Commission vote.

For decades, all manufacturers and post-manufacturer 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. The safety feature protects drivers from violent crime and it therefore warrants particular mention. Partitions are commonly used throughout the country for 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 TLC in 1971. The mandatory use of partitions was revoked in the late 1970s but was reinstated in 1994. In 1997, New York State passed legislation requiring the use of partitions in taxicabs statewide. The taxis being used at that time were non-stretch Crown Victorias, which have comparable rear passenger leg room to vehicles that meet the 25 mile per gallon 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 New York City, many municipalities across the country utilize partitions to protect drivers from violent crime. For examples, 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,

Fleet's medallion owners and drivers have strongly supported the partition.

Although the partition requirement has been in place for many years, the actual design of the partition is constantly reviewed and updated by the Commissioners as new developments in industry design and industry 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 air bags. This type of partition is typically found in a Crown Victoria. When the vehicle types that were manufactured with curtain airbags started to be used as taxis, TLC Commissioners approved a new partition.

This second type of partition was designed by a local manufacturer with the cooperation of TLC to accommodate the deployment of curtain airbags. Taxis with curtain airbags include the hybrids that New York City Council mandated.

The third type of partition is the L-shaped partition. This type was designed for

1
2 vehicles that do not have separate back seat air
3 conditioning vents. Since auto manufacturers are
4 developing a solution to the rear air conditioning
5 problem, the L-shaped partition will not be needed
6 after the next few months.

7 Regardless of the vehicle model of
8 taxicabs, the FMVSS seat belt standards will
9 significantly limit the movement of an occupant
10 involved in a crash, greatly reducing the risk of
11 injury. The passenger information monitors
12 installed in the back of taxicabs remind all
13 taxicab passengers to buckle up.

14 The safety of drivers and
15 passengers is of utmost importance to TLC. We
16 take safety concerns very seriously. Since 2005,
17 TLC has held multiple hearings on mileage
18 standards and hybrid vehicles both before and
19 after the rules were passed and has provided
20 multiple opportunities for presentation of
21 evidence suggesting that taxis that meet 25 miles
22 per gallon are unsafe. To date we have not seen
23 any credible evidence to support these claims.

24 The Committee's question is whether
25 green taxis are safe and I'm pleased to report

1
2 that taxicabs with improved gas mileage meet or
3 exceed the same federal standards and the same TLC
4 inspection standards as all New York City
5 taxicabs. All taxi models with better gas mileage
6 meet NHTSA crash testing regiment of any
7 commercial market vehicle sold in the United
8 States. Significantly, these cars are not new.
9 The Camry has been on the market since 1980, the
10 Altima since 1992, the Escape since 2001 and the
11 current version of the Malibu since 2003.

12 The Council first mandated the use
13 of hybrid taxis more than three years ago. Since
14 then, estimating conservatively vehicles with
15 better gas mileage have logged more than 70
16 million miles. The time for pilots has ended.
17 The record has been outstanding; taxicabs with
18 improved gas mileage are fully performing, saving
19 drivers money and doing so safely.

20 In addition, the mile per gallon
21 standards provide many benefits to the industry
22 and the public. Vehicles with better gas mileage
23 save drivers thousands of dollars annually in gas
24 costs. When all the vehicles meet the miles per
25 gallon standards, it will yield a taxi industry

wide savings of more than \$60 million 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 a Crown Victoria, the Nissan Altima hybrid and the Ford Escape hybrid, among other models, emit roughly 71% less nitrous oxides and 89% less non-methane organic compounds, both of which are pre-cursors to smog. Both the U.S. Environmental Protection Agency and New York City Department of Health and Mental Hygiene have documented the links 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 mile per gallon 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 safety of both passengers and drivers. Again, safety is of the utmost important to the TLC. And based on

1
2 federal standards, engineering reviews, vehicle
3 inspections and performance, the vehicles on the
4 road are serving the public safely. Thank you.

5 CHAIRMAN LIU: Thank you
6 Commissioner Salkin. We've been joined by Council
7 Member Vincent Ignizio from Staten Island. I want
8 to thank you for the testimony. I do appreciate
9 the administration for being at this hearing
10 whereas the administration was absent at our last
11 hearing in June on a similar topic. I will have
12 to stay, though, that most of your testimony
13 doesn't actually address the questions that we
14 have at hand. So I'll get right into the
15 questions.

16 You talk about the federal
17 standards. Obviously there are federal standards.
18 Federal standards, you are saying they apply to
19 taxicabs; they apply to every single car that's on
20 the road so that's not really much of something
21 for the TLC to hang their hat on. Those federal
22 standards apply to everything.

23 The thrice a year inspections that
24 the TLC requires of all taxicabs, that's true of
25 all taxicabs on the road, whether they're hybrid

1
2 or not. So there, again, there's nothing
3 different. And that speaks to maintenance after
4 the vehicle is approved for use. What our
5 question is, is does the TLC have to actually do
6 anything apart from taking any vehicle that's
7 allowed for use on an American street to be used
8 as a New York City taxicab. And I'll try to be
9 more specific.

10 In your closing you say that,
11 again, safety is of the utmost importance to TLC
12 and based on federal standards, engineering
13 reviews and vehicle inspections and performance,
14 the vehicles on the road are serving the public
15 safety. Federal standards we get but federal
16 standards apply to any car that's on the street.
17 The vehicle inspections and performance, that's
18 the three times a year inspection that's required
19 of all vehicles. What would you say are the
20 engineering reviews in the last sentence? Are
21 those...?

22 MR. SALKIN: Sir, your question is
23 what are the engineering reviews?

24 CHAIRMAN LIU: Yes.

25 MR. SALKIN: That take place on the

taxicabs. The--

CHAIRMAN LIU: [interposing] Is that the TLC engineering review?

MR. SALKIN: Specifically I'm referring to reviews that the major manufacturers have conducted on vehicles that have served as taxicabs. And there are communications with us that the vehicles are performing well as vehicles and continue to meet standards.

CHAIRMAN LIU: So does the TLC actually require something that's over and above federal standards or are those engineering reviews that go into this FMVSS determination?

MR. SALKIN: TLC does--

CHAIRMAN LIU: [interposing] Does TLC look at the engineering reviews?

MR. SALKIN: Does the TLC look at engineering reviews and communicate with the manufacturers as to are the vehicles safe and the manufacturers feel comfortable that the vehicles on the road are safe? Those dialogues happen all the time when we have those conversations like that.

CHAIRMAN LIU: I think--

1
2 MR. SALKIN: [interposing] And then
3 your other question about--

4 CHAIRMAN LIU: [interposing] I
5 don't think there's going to be any car maker
6 who's going to not say their vehicle is safe for
7 use. The question here is, you talk about the
8 federal standard and you described the federal
9 standards as if they are something that are very
10 stringent for taxicabs. They are stringent;
11 they're stringent for any car on the street. But
12 there's nothing special.

13 Are you testifying, then, that the
14 TLC really doesn't do anything special above just
15 accepting that a car is legally usable in the
16 United States of America?

17 MR. SALKIN: We're testifying that
18 the FMVSS standards are comprehensive and
19 sufficient to ensure that someone who is in a
20 vehicle and involved in an accident is secure to a
21 standard that is predetermined to be appropriate.

22 CHAIRMAN LIU: Okay. At this
23 point, the Committee does accept that assertion
24 but we also have to remind the TLC and the
25 administration that over and over again in

1
2 testimony four or five years ago that TLC
3 testified that they could not approve a hybrid
4 electric vehicle for use as a taxicab because
5 there were still outstanding concerns as to
6 whether those vehicles were safe. Even though,
7 clearly at the time, all those vehicles had
8 already met this standard, this FMVSS standard,
9 that the TLC is now satisfied with. So we will
10 state that for the record. Do you want to rebut
11 that or do you just accept that? We just want to
12 hold the administration accountable on this point.

13 MR. SALKIN: In terms of your
14 statement, at this time the vehicles that have
15 been on the road have traveled over 70 million
16 miles and we have confidence that they're able to
17 perform up to the standards that the federal
18 government sets and the standards that the TLC has
19 in terms of running through inspections and
20 passing inspections and maintaining their safety
21 throughout their life.

22 CHAIRMAN LIU: Okay. So does that
23 mean that the TLC then actually has looked at the
24 70 million miles of experience and there is a
25 determination that's been made by the TLC separate

from the federal standard?

MR. SALKIN: The answer is in terms of the federal standards that are set, we are not challenge the federal standards but what we've been able to monitor is how the vehicles perform over time. And what we have found is that they perform equally or better than the cars that were previously on the road so they are performing in what we consider an acceptable fashion.

CHAIRMAN LIU: Okay.

MR. SALKIN: And they're safe.

CHAIRMAN LIU: So can you be a little bit more specific about what the performance is? Maybe, four or five of the different criteria, or even two or three of the different criteria that you've been able to judge with regard to these hybrid electric vehicles and the 70 million miles of experience that you have.

MR. SALKIN: Sure. First, in terms of inspection, a good measure is when a vehicle comes in for initial inspection. We run it through the 250 mile check. Our particular facility has four different stations and each station checks something different. Again, we've

1
2 invited members of your committee and anyone
3 interested in Council to come out and see that
4 facility. I think you'll find it rather
5 impressive. Again, doing 60,000 different
6 inspections a year we are the largest DMV
7 certified facility in the state. To that end, the
8 vehicles, depending on their mileage and depending
9 on their age, obviously wear and tear and other
10 criteria determine whether or not they pass their
11 inspections.

12 The initial inspections of brand
13 new vehicles are very high; it's over 70%. The
14 vehicles, whether it's a Crown Vic or an Escape or
15 any of the 25 mile per gallon vehicles, tend to
16 perform at a very high level. As the vehicles get
17 older there's more maintenance that's required,
18 they certainly go on the road for a longer period
19 of time and their ability to pass the initial
20 inspections does deteriorate. However, in a
21 comparison of similar mileage, we find that the
22 vehicles do pass equally well.

23 What I want to ask Peter Shankman
24 to do, who oversees this, is to speak a little
25 bit, if you can Peter, about the top typical

1 failures. I think this is the key; even though a
2 vehicle fails it can fail for a small safety item
3 like bald tires to a major safety item like a
4 cracked chastity. I think Peter can talk to
5 exactly your question, which is what are the major
6 things we see in typical standard, I guess in this
7 case, the Crown Victorias versus what are we
8 seeing in the hybrids.

9
10 CHAIRMAN LIU: If you can make it
11 brief, Peter.

12 PETER SHANKMAN: I will.

13 CHAIRMAN LIU: We don't need a...
14 Okay.

15 MR. SHANKMAN: We do an enhanced
16 New York State Department of Motor Vehicle
17 Inspection, which requires that we test all safety
18 and emissions related items. On the non-hybrid
19 vehicles what we find on the top ten failures are
20 fairly significant component failures. There are
21 suspension component failures, there are brake
22 system failures and these are serious safety
23 issues. Whereas when we look at the top ten or
24 even top five of hybrid failures, they tend to be
25 lights, bulbs out, a bald tire, a cracked that

1 exceeds the recommended length on the windshield.
2 Stuff that, sure, has safety related implications
3 because a light bulb is out but they're not actual
4 near catastrophic. Failures of suspension
5 components that, if given four months until the
6 next inspection based on the 50% failure rate,
7 we're not sure they're being repaired in time.
8

9 CHAIRMAN LIU: Okay. Now I presume
10 you're talking about the three times a year
11 inspections. Now, Commissioner Salkin, I think I
12 heard you but I just want to confirm that I did.
13 You said something about inspections of new
14 vehicles and that 70% of them were passing? Did I
15 hear you correctly?

16 MR. SALKIN: Sorry. Say that
17 again. You said--

18 CHAIRMAN LIU: [interposing] What
19 are inspections of new vehicles?

20 MR. SALKIN: No, no. What I meant
21 to say is vehicles with less mileage on them so
22 vehicles that have less than 50,000 miles on them
23 will perform better historically at an inspection
24 than a comparable model that has 250,000 miles on
25 it. So even if it's the same year; you have a

1
2 2003 Crown Vic that has 50,000 miles we would
3 expect to see that vehicle pass its inspection at
4 a higher rate than a 2003 Crown Vic with 250,000
5 miles. What I was trying to point out is--

6 CHAIRMAN LIU: [interposing] I
7 understand. So you don't mean like brand new you
8 mean new relatively speaking, under 50,000 miles.

9 MR. SALKIN: I meant mileage,
10 right. Comparable apples to apples; if you want
11 to make a generalization across, Peter is correct
12 in terms of the Crown Vics pass our inspections
13 less than 60% of the time as a group. The hybrid
14 vehicles pass the inspections at 85% as a group.
15 However, as a body they're much newer vehicles
16 with less mileage so I didn't want to make that
17 ascertain today.

18 CHAIRMAN LIU: All right. You talk
19 about how today there was a rule passed that
20 prohibit a certain modification to taxis?
21 Presumably, these are vehicles that meet the
22 federal standard, FMVSS. Why would the TLC have
23 to pass a rule prohibiting a certain change to the
24 vehicle?

25 MR. SALKIN: The particular rule

1
2 that was changed today or modified today has to do
3 with vinyl seat covers. So for many, many years
4 the TLC has requires vehicles that are placed into
5 service to have vinyl seat covers. I'm sure many
6 of you have noticed the seats are vinyl.

7 CHAIRMAN LIU: Yeah. We love that.

8 MR. SALKIN: You love it.

9 CHAIRMAN LIU: Especially when
10 you're wearing shorts in the summertime.

11 [Laughter]

12 MR. SALKIN: Which is why we need
13 the air conditioner to work in the rear. In the
14 front seats, as technology has changed in
15 vehicles, new technology has been added to the
16 front seat. In a particular case for the front
17 seat, there are many vehicles that now have
18 multiple airbags in the front. One air is
19 deployment of the airbag in the front of the
20 vehicle for a head on collision and there are also
21 side air bags that come out of the seat.

22 What you do, one solution that the
23 industry had - and these are post-manufacturing
24 solutions. One solution to get vinyl on to the
25 vehicles is they put a cover that's vinyl over the

original seat cover. And in doing so, it was brought to our attention and doing further research that that seat cover either modifies the ability of the front airbag to deploy correctly and as mandated by FMVSS and/or it would restrict or limit the deployment of the side airbags that come out of the seat.

So by getting rid of the front passenger vinyl, the problems caused by these enhanced safety features not deploying correctly was eliminated. We took that action because we figured it was the most appropriate safety course.

CHAIRMAN LIU: We appreciate the rule change but I think it's important for the Taxi and Limousine Commission and the administration to understand that while the TLC can say today. Again, the change in position from a few years ago but the TLC can say today that as long as a vehicle meets the federal standard it can be used as a taxicab.

Today's rule change is a clear illustration that the TLC's requirements for these federally approved vehicles actually could curtail some of the safety features that are already

1
2 present in those vehicles. So at some point, I
3 would think that the Taxi and Limousine Commission
4 bears the responsibility of ensuring that vehicles
5 modified per TLC requirements are in fact still
6 safe according to the federal standards.

7 Is that something that the TLC
8 should be looking at or do you feel that it's a
9 non-issue?

10 MR. SALKIN: The TLC does care
11 about that and we do look at that. We are
12 confident that the vehicles on the road are safe.

13 CHAIRMAN LIU: Look, the TLC always
14 says, yeah, the vehicles are safe. But there are
15 lots of people who say that they're not or not
16 necessarily that the vehicles are not safe. I
17 don't think anybody's actually said that the
18 vehicles are really not safe. I think there is
19 concern that the TLC has not actually done its
20 full due diligence in making sure that the
21 vehicles are safe.

22 Even in the example that you
23 brought up today, which I guess is related to the
24 rule change this morning. What about other things
25 that might come up that the TLC hasn't thought of

1 yet because there hasn't really been an effort to
2 make sure that the vehicles as modified by TLC
3 requirements are, in fact, still fully functional
4 with regard to their safety features.
5

6 What if there are other rule
7 changes that are necessary to ensure that TLC
8 safety requirements are not actually getting in
9 the way of the safety features of the vehicles?

10 MR. SALKIN: First to make clear,
11 the changes that we made were made because the
12 vehicles themselves were changing to meet
13 different changes and different standards set by
14 FMVSS. And those standards are always going to
15 change and we want them to change because it
16 ensures the vehicles are always safer. So I'm
17 rather confident that in the next several years
18 there will be additional changes to standards that
19 we have. And we're going to have to make changes
20 to reflect that.

21 How we do that is one, we ensure
22 that we have an Assistant Commissioner that's in
23 charge of safety and emissions who's staying
24 abreast of all the changes in the industry. We
25 have an Assistant Commissioner whose job is to

1
2 work with the manufacturers to ensure that the
3 vehicles that are coming out meet standards, to
4 ensure that the vehicles being placed on the road
5 and the people putting them on the road understand
6 what the taxi standards are and that they
7 understand what taxi standards may be changing and
8 that we work together to ensure this. So to say
9 that we're not paying attention to that, I don't
10 think is true.

11 I also want to point out that the
12 inspections that we do are very comprehensive.
13 And I don't want to short sell that. The vehicles
14 that are on the road travel over 800 million miles
15 a year and we do over 60,000 inspections of these
16 vehicles, that's unprecedented in any taxi
17 industry the country. I'm getting whispered in my
18 ear throughout the world. So to say that we know
19 how the vehicles are performing, that we're ahead
20 of any curve I think is very appropriate. And for
21 you to expect that there will be changes I think
22 is, like I suggested, appropriate. So I think we
23 are there and we would expect more.

24 At this time we believe that the
25 vehicles are safe, that they're performing up to

1
2 an expectation that we have set for the vehicles
3 and we've seen no credible evidence to suggest
4 otherwise.

5 CHAIRMAN LIU: Anybody can say the
6 vehicles are safe and they vehicles are going to
7 be safe until they're not safe and this is a clear
8 example. All I'm suggesting right now is that TLC
9 really should review-- Let's look at this example
10 of the vinyl seat covers.

11 No one would really ever think of
12 vinyl seat covering requirement at something that
13 could impeded safety but in fact, that's exactly
14 what it has done here. Because the TLC, even
15 though in this case this Nissan model is federally
16 approved for use on streets, right? But because
17 of the TLC requirement for the vinyl seats, that
18 actually impedes one of the safety features of
19 this model. So I think it's important for the TLC
20 to actually review its own rules, at the minimum,
21 as to whether any of those rules impeded the
22 safety features in any other way.

23 Wouldn't you agree that this is an
24 example where a TLC requirement in a vehicle used
25 as a taxicab actually impedes a safety feature?

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2 And that's why it's not sufficient for the TLC
3 simply to say, well, the vehicle is federally
4 approved therefore it should be usable as a taxi.

5 MR. SALKIN: In all due respect,
6 I'm following what you're arguing I don't disagree
7 with what you're saying but I'm also arguing we're
8 doing exactly what you're suggesting we should be
9 doing. Which is as new vehicles come on market we
10 review and work with the manufacturer to
11 understand how that vehicles as a taxicab meeting
12 all New York City standards. In the case where we
13 found that there might be, there's no proof that
14 there was an accident, we have no examples that
15 there was any damage done by our vinyl seat cover.
16 But we worked and we proactively changed the rule
17 because we believe it was the safe and correct
18 action to take. Therefore, what I'm getting at is
19 we're always reviewing our standards and ensuring
20 that the vehicles meet the highest safety
21 standards. And I think, again, I would expect to
22 see the rules change especially as federal
23 standards change over the next several years to
24 modify that.

25 CHAIRMAN LIU: All right.

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2 MR. SALKIN: Another example of
3 that is the curtain airbags. As curtain airbags
4 came out we had to modify the partition to allow
5 for the safety feature. Soon, I think Peter,
6 FMVSS is going to require curtain airbags in all
7 vehicles. It's not required yet but our partition
8 and our planning has put any vehicle that goes on
9 the road ahead of that curve to meet the latest
10 and newest standards.

11 CHAIRMAN LIU: Okay. I'll just
12 state for now and we'll have questions from other
13 members. In this example, you state that TLC is
14 taking actions, actually the TLC is waiting for
15 the manufacturers themselves. In this case of the
16 vinyl seat covers, it's not something that the TLC
17 actually discovered. It's something that the
18 automaker noticed that had to be changed. So they
19 came to the TLC and at that point the Commission
20 put this rule change in effect. But it doesn't
21 seem like it was because of any action taken by
22 the TLC in terms of reviewing the safety features
23 of these federally approved vehicles.

24 Are you ready to go on to other
25 questions? All right, thank you. We have

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2 questions from Council Member. We've been joined
3 by Council Member Joe Addabbo from Queens and
4 Council Member Diana Reyna from Queens and
5 Brooklyn. We have questions from Council Member
6 Daniel Garodnick.

7 COUNCIL MEMBER DANIEL R. GARODNICK:

8 Thank you Mr. Chairman. I wanted to thank you
9 Commissioner for your testimony. Also just to
10 follow up on a couple of those points because I
11 was listening to the exchange between you and
12 Chairman Liu and trying to make sense of the issue
13 here of the FMVSS, which is the federal standard,
14 which is a pre-condition for any car to be on the
15 road, pre- condition for any car to be used as a
16 taxi. You have your own inspection cycle three
17 months for--four months?

18 CHAIRMAN LIU: Three times a year,
19 four months.

20 MR. GARODNICK: Sorry. Three times
21 a year for taxis but the point where I still don't
22 completely have clarity is when there are changes
23 made to a vehicle like a vinyl seat or an L-shaped
24 partition, does that itself put the vehicles in a
25 different category, something that the FMVSS does

not contemplate? The FMVSS doesn't speak to L-shaped partitions or vinyl seats, right?

MR. SALKIN: The FMVSS speaks towards how the vehicle will perform in an accident and then it's crash tested. It's crash tested by NHTSA so it speaks towards standards in a crash.

MR. GARODNICK: But it speaks to it in a context of the general use, the non-modified use of the vehicle, right?

MR. SALKIN: If you're using the term modified as the hack up standards.

MR. GARODNICK: Hack ups standards. So if hack up standards means to make seats vinyl, if it means to add an L-shaped partition, yes. Does it--

MR. SALKIN: [interposing] My understanding is those are not contemplated specifically.

MR. GARODNICK: Okay. So then we say that all of the taxis on the road meet the FMVSS standard, we're talking about their meeting that standard at the outset before they are hacked up. Is that right?

MR. SALKIN: All vehicles must meet FMVSS that is before they can be hacked up.

MR. GARODNICK: Okay. And there's no way to evaluate whether they still meet federal standards after they're hacked up other than any local rules that we impose here in the city. Is that fair?

MR. SALKIN: Well again, the manufacturers of the vehicles have a commitment to the federal government to ensure the vehicles are performing up to the standards. The safety checks and the DMV inspections, I think the FMVSS goes beyond the hack up. It goes towards the vehicle's performance in its lifetime. And what we do in monitoring the vehicles is ensuring that it maintains its commitment to the standard set by FMVSS.

MR. GARODNICK: Okay, but--

MR. SALKIN: [interposing] In addition, the manufacturers of the vehicles monitor the vehicles. They see the vehicles as they break down or don't break down. Many of them work directly with us, use our inspection data to model what might be happening. Some of them watch

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2 our inspections and are a part of that. So to say
3 that they're not involved to ensure that the
4 vehicles are performing at the standards, I don't
5 think that's correct.

6 MR. GARODNICK: I don't think
7 that's actually what I was saying. What I want to
8 understand from you is there's a threshold check;
9 the federal standards, they come in and they
10 approved for use as a vehicle here in New York
11 City as a taxi. Then changes are made to the
12 vehicles. There is nothing in the FMVSS which
13 speaks to those specific changes that we're making
14 to the vehicles here in New York City as taxis.
15 Is that right?

16 MR. SALKIN: That's right.

17 MR. GARODNICK: Okay. So any
18 determination of whether the vehicles are safe
19 from that point forward, from the point where they
20 are hacked up, where the changes are made, are
21 determinations that we are making here in New York
22 City?

23 MR. SALKIN: No.

24 MR. GARODNICK: Okay. Then explain
25 that to me.

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2 MR. SALKIN: Well I just wanted to-
3 -I think it's important to understand that FMVSS
4 covers much, much more than just the hack up. So
5 in terms of the standard FMVSS inspections and
6 requirements that the state has set out for the
7 vehicles to meet in order to be on the road, so
8 the safety standards that every vehicle has to
9 meet. I think this will probably help you.

10 Every vehicle in New York state has
11 to pass DMV inspections. We are DMV certified
12 inspection facility. The vehicles that we inspect
13 in order for them to continue to be licensed and
14 active TLC vehicles have to pass a DMV inspection.
15 That includes standards that are set by FMVSS. In
16 addition, we have over 100 additional inspections
17 that we do that look at specific taxi items or
18 specific items that are of particular concern to
19 drivers and the riding public. Those items, I
20 think you are correct, are not necessarily
21 contemplated in FMVSS but it's our relationship,
22 our monitoring of these and our relationship with
23 the manufacturers to ensure that those items are
24 still performing up to the standards to ensure
25 that the FMVSS standards that are in place still

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2 work.

3 So for example, if there is a vinyl
4 seat cover requirement, regardless of being a taxi
5 standard or someone putting it in their car, it's
6 important than the airbags still deploy. So for
7 us to have a conversation about the airbags
8 deploying and deploying correctly is a very common
9 kind of conversation that you would have and
10 something that would come up in the normal course
11 of action. We end up with a conversation that
12 gets right to the FMVSS standard to make sure that
13 there's something we're not doing that compromises
14 those standards that are set by the federal
15 government.

16 MR. GARODNICK: I'm sorry but the
17 normal, when you say the normal course of actions
18 or the conversations that are ongoing, what are we
19 talking about here? What do you mean by those
20 conversations or normal course of action?

21 MR. SALKIN: Right. Well I think
22 you're probably better suited to talk about this
23 so I'm going to let Peter answer this. I think
24 one thing you have to remember is being the
25 largest inspection facility in the state and one

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2 of the largest probably in the country, one that's
3 computerized and has data that's readily
4 available. People are very interested in how the
5 vehicles are performing and getting that data.

6 In addition, the duty cycle for
7 vehicles driving in New York and being taxicabs
8 and sometimes being on the road 24/7 lends them to
9 a situation where they're doing high mileage, lots
10 of miles in a day, lots of stops, starts. It puts
11 a lot of stress damage on the vehicle. Companies
12 are very interested in seeing how that performs so
13 they've taken a keen interest in monitoring how
14 their vehicles perform. Peter, if you could talk
15 a little bit about how this happens and the
16 relationships you have with different
17 manufacturers.

18 MR. GARODNICK: The real question
19 is, is it a formal process or is it just when they
20 pick up the phone and they say how is the Ford
21 Escape doing and you answer that question? What's
22 the level of formality?

23 MR. SALKIN: I think it's important
24 to understand something is for many, many years
25 the main vehicle that was being used was the Ford

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2 Crown Victoria, long wheel base. Recently and
3 that's the last couple of years, mostly since 2005
4 we've added a number of different hybrid vehicles.
5 In adding those hybrid vehicles to the approved
6 fleet, a number of manufacturers who weren't
7 involved in the taxi industry have taken an
8 interest in being involved.

9 Up until that point, Ford was the
10 major participant, they had close relationships
11 with TLC, close relationships with major fleets
12 and they were able to monitor the performance of
13 their vehicles and even make changes over the
14 years as necessary.

15 As these new vehicles have rolled
16 out, we've seen manufacturers taking a very
17 aggressive approach to ensuring and watching what
18 their vehicles do and act as vehicles that are on
19 New York City streets 24 hours. That includes
20 putting in sensors, multiple sensors in the
21 vehicle, monitoring the engine, the revving, the
22 brakes. I think things that go into engineering
23 land that I'm not prepared to kind of understand.
24 But to a point where they're collecting data, that
25 goes even beyond our inspections to the point

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2 where they're informing themselves over are their
3 cars good in holding up to the ways that their
4 engineers expected them to uphold.

5 So in terms of those vehicles, the
6 newer vehicles, we've seen a much more hands on
7 approach; visiting our facilities, getting data on
8 a regular basis. It depends what company it is.

9 MR. GARODNICK: Okay. Let's start
10 with the data for one second. I don't know what
11 data you have on accidents, crash information for
12 the hybrid taxies. Share with us how you keep
13 that information and what it's saying to you. If
14 you give us whatever numbers that you have, about
15 the numbers of accidents, what the results were if
16 you do analyses of those crashes. Tell us what
17 you do, tell us what data is available.

18 MR. SALKIN: Sure. Accident data
19 is, I don't know if you've seen an accident report
20 but there's a lot of information on accident
21 reports. It's hard to kind of decipher it. I
22 think probably behind your question is a little
23 bit of how did the accident happen, why did it
24 happen, what was the reasoning for it happening.
25 The accident information we have is more not

specific accident by accident analysis of this vehicle and that vehicle. We will look at the major accidents from time to time.

But typically, the best information we have is more from the insurance industry and from the owners and the people who fix these accidents. I think there's going to be some people testifying later today who own Crown Victorias and who own hybrid vehicles. I don't encourage you to ask them the same question.

But I can tell you from talking to major insurers that the hybrid vehicles, at least the information from the first six months of this year are getting in accidents at a much less rate than the Crown Victoria. I won't say that's hard and fast data that should be used or anything and that's why it's not in our testimony. Because the drivers of the hybrid vehicles and the vehicles that get 25 miles per gallon, they may be better drivers, they may be drivers that are driving less miles. There might be less stress on them for various reasons because they pay less money in gas and don't need to hustle as much. It's not to say that they're driving our newer vehicles and maybe

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2 the vehicles themselves are safer. Maybe the
3 vehicle is more comfortable and they sit in a
4 different position.

5 I don't want to necessarily put
6 anything to that but we do know, I think the
7 numbers I remember seeing was about an insurer
8 showed some information that said I think between
9 7% and 8% of the hybrid vehicles were in accidents
10 of the first six months of last year. And the
11 Crown Vics insurers showed, I think, between 11%
12 and 13% of them were in accidents. Maybe it
13 depends what month you look at.

14 MR. GARODNICK: I'm sorry. This
15 was the percentage of the overall group so 11% to
16 13% of all Crown Victorias--

17 MR. SALKIN: [interposing] Again,
18 this is an insurer who insures a limited number of
19 vehicles, I think about 1,500 vehicles. I think
20 to that note, major insurance companies are
21 offering hybrid owners discounts and we know that.
22 Up to 5% discounts because they drive a hybrid. I
23 think that speaks more to the nature of the person
24 who would buy a hybrid than necessarily are
25 hybrids safer. I think the verdict's still out

1
2 that just because you're in a hybrid that you get
3 in less accidents.

4 MR. GARODNICK: So the information
5 you have from the insurance companies is that
6 there are fewer accidents for whatever reason when
7 you're in one of the hybrid vehicles. But when
8 you are in an accident, I'm sure you're familiar
9 with the testimony that was presented here back on
10 May 8th. The Metropolitan Taxicab Board of Trade
11 hired an engineer who came in here and testified
12 essentially that he would never ride in a Ford
13 Escape because of the configuration of the
14 partition.

15 The L shape and the small size of
16 the vehicle and how if it were in an accident that
17 the vehicle would potentially cause great damage
18 to the passenger or to the driver. That was the
19 testimony that he offered on May 8th presenting
20 pictures showing an analysis of one particular
21 accident. I don't know exactly where or when or
22 the accuracy of any of it. But can you respond to
23 that and explain to New Yorkers why that is wrong
24 or why the Ford Escape is safe to ride or why
25 those concerns are not real or not founded?

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2 MR. SALKIN: All right. First
3 responding to New Yorkers, I want to remind all
4 New Yorkers-- I don't want to sound hokey. But
5 it's really important that you wear your seatbelt.
6 I was in an accident in a delivery vehicle, I had
7 my seatbelt, I would have been injured. Since
8 that day I always wear my seatbelt.

9 We remind people to buckle up but I
10 can't tell you how many people I talk to, they
11 just don't wear their seatbelts in the back of
12 cabs. You must wear your seatbelt in the back of
13 cabs. If you're wearing your seatbelt, the risk
14 is greatly reduced. Your ability to move around
15 in the case of an accident is greatly reduced. To
16 that end, the movement and your ability to hit a
17 partition is greatly reduced. And if you do hit a
18 partition, the force in which you do so is also
19 greatly reduced. So wear your seatbelts New
20 Yorkers.

21 If you're wearing your seatbelt,
22 your safety in any vehicle is greatly enhanced.
23 In terms of the specific vehicles, the standards
24 that the vehicles must meet for being in an
25 accident are all the same. And again, that's

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2 FMVSS the standard for the seatbelts, which again
3 was actually the first FMVSS standard put in
4 place. They're all the same; they must meet the
5 seatbelt standards.

6 In terms of the partition, in terms
7 of the space and the distance, if you're wearing
8 your seatbelt for one, is greatly reduced. In
9 1997 when New York state passed a mandate that
10 says all cities with 75,000 people or more must
11 require partitions in the taxicabs. The vehicles
12 that were on the road were the non-stretch Crown
13 Victoria or the Chevy Caprice, I believe. The
14 non-stretch Crown Victoria has a leg room of 38.6
15 inches. The hybrid vehicles and the vehicles that
16 get 25 miles per gallon have very similar
17 comparable space. Some have different
18 configurations, some have a little less and some
19 have a little bit more.

20 But the idea to say that the
21 vehicles that were mandated and the standards that
22 were set in 1997 were okay and that the same
23 standards still exist today, is not okay. That I
24 don't agree with. The safety that existed and the
25 safety standards in 1997 were put in place and not

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2 knowing full well what the vehicles were and what
3 the partition requirements were. Today, we have
4 very similar standards and the vehicles are
5 equally safe.

6 MR. GARODNICK: In the case that
7 you raised, you talked about a particular Escape
8 considered. We are all very familiar with it; it
9 seems to be one that pops up all the time. I
10 think Peter is better versed in what exactly
11 happened there. But Peter tell me if I get it
12 wrong.

13 My understanding is it was a parked
14 vehicle that was rammed from behind that had
15 damage done to the vehicle that on significant
16 look was quite significant. Upon an engineer
17 review by Ford, the response back to us was the
18 way that the car was damaged was the way it was
19 designed to be damaged. Meaning that it
20 sacrifices the body, it sacrifices the vehicle to
21 ensure that the cargo, the occupants are safe. So
22 while it did look like it was substantial damage,
23 it was the correct way the car should have been
24 treated. I believe it was a rear end collisions
25 at high speed.

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2 In addition, the partition did move
3 but upon inspection the partition was not
4 installed correctly. The reason it wasn't
5 installed correctly and not caught by us, at least
6 my understanding was that after initial hack up
7 the individual made some modifications to the
8 partition. That led to it being attached to the
9 dashboard as opposed to the actual vehicle, which
10 is something we inspect for when a vehicle comes
11 in. So to say that that is something that's
12 typical and something that would normally happen,
13 it's not something that I've seen evidence of
14 since then or before then. But it's not something
15 I would say is common or something that we would
16 expect in terms of that type of accident.

17 MR. GARODNICK: Okay. I'm going to
18 wrap up. I just wanted just clarification,
19 probably yes, no's at worse here. But one is just
20 to confirm that the installation of the partitions
21 and the way that they're done or if any
22 modifications are done to those, those are part of
23 the regular once every four months inspection that
24 is done by you?

25 MR. SALKIN: Yes.

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2 MR. GARODNICK: Okay. And the
3 other question is there is no overall assessment
4 yet of how these hybrid vehicles actually do in
5 accidents beyond what is set out by the federal
6 government or by the manufacturers themselves.
7 There's no further analysis that we have done in
8 the city or that TLC has done about how they
9 respond and interaction with partitions or
10 anything like that. Is that also correct?

11 MR. SALKIN: To the extent that the
12 vehicles have been on the road for 70 million
13 miles and nothing's been brought to our attention
14 that causes us to think that the vehicles don't
15 perform like the other vehicles, there is nothing.

16 MR. GARODNICK: Okay. So the
17 answer is no to that. But what your point was
18 there are fewer accidents but you haven't done
19 that level and you wouldn't necessarily unless
20 something specifically were brought to your
21 attention. Is that fair?

22 MR. SALKIN: That's fair.

23 MR. GARODNICK: Okay. Thank you
24 Mr. Chairman. I took a lot of time. I appreciate
25 it.

CHAIRMAN LIU: That's okay. Thank you very much Council Member Garodnick. I do want to note that we have been joined by the Honorable Micah Kellner, a member of the New York State Assembly who will be hearing from shortly. I just have one set of final questions for you gentlemen.

Which is that when a partition as required by the Taxi and Limousine Commission is installed in a vehicle to be used as a taxicab, does it decrease the amount of space between the back of the front seat and where the passenger in the rear seat sits?

MR. SALKIN: Yes.

CHAIRMAN LIU: Peter was mentioning--by two inches? At the most two inches.

MR. SHANKMAN: There were varying designs where if you taper to the back of the seat, as some of the newer partitions are, it actually gives you more leg room because a lot of the front seats, the back is curved so if the partition is sloped, you'll get that much more room.

CHAIRMAN LIU: Well then what is

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it? Is it two inches?

MR. SHANKMAN: More space than a traditional partition, not more space than without a partition. So the answer is--

CHAIRMAN LIU: [interposing] But it will average two inches? Two inches, okay. You also mentioned before, I thought one of the observations about the Ford Escape specifically was that it was significantly less leg room than the stretch Crown Vic. That was the observation repeated over and over again by the TLC in testimony in '03 and '04. Did you say something to...?

MR. SALKIN: If I didn't say correctly, what I said today was the non-stretch Crown Victoria, which was on the road in 1997. The stretch Crown Victorias...

CHAIRMAN LIU: I see.

MR. SALKIN: ...I believe were on the road in 2001 and the last non-stretch Crown Victoria was still on the road at this time last year.

CHAIRMAN LIU: The TLC doesn't do anything special to account for the fact that

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2 there is a little bit less space between where the
3 passenger sits, even when buckled in, and the back
4 of the front passenger seat?

5 For example, I would assume under
6 the FMVSS that there are certain measurements
7 taken by the federal inspectors that when a
8 vehicle is in a collision, the passenger even when
9 buckled in will move forward. The head of the
10 passenger will certainly move forward by a certain
11 distance. When you install a partition there is
12 less distance than what was contemplated by the
13 FMVSS.

14 Now you're contention is that since
15 it's only two inches that the TLC doesn't really
16 have to do anything extra? That may very well be
17 the case. I don't know. But have you looked at
18 that question?

19 MR. SALKIN: I think to answer your
20 question at this point I think it's important to
21 understand that there are accidents in taxicabs
22 and people who sit in the back seat of taxicabs do
23 get injured. When you're wearing a seatbelt--
24 And the way that the FMVSS standards are for
25 seatbelts are not compromised, whether or not

there's a partition or not.

Seatbelts are designed in a way. And all seats as of last year 2007 all back row seats, all three seats are required to have a three-point shoulder harness, the safest seatbelt currently mandated. The movement of an occupant is limited by that standard. That standard is something that the manufacturers designed for. The availability of seatbelts is something that we mandate test for--

CHAIRMAN LIU: [interposing] We understand that.

MR. SALKIN: So if the seatbelt and the person sitting there, the likelihood of them coming to contact with the partition, regardless of the model of vehicle, is limited. And again, if they do come in contact with the partition and they are wearing their seatbelt and they're in the vehicle correctly, the type of injury they might sustain is also greatly reduced.

CHAIRMAN LIU: We understand the point that wearing a seatbelt greatly reduces the injuries of the type of injuries. All I'm saying is that is there any consideration to the fact

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2 that you do lose space by installing the
3 partition. You do lose the wiggle room, if you
4 will, that a person will actually move when the
5 vehicle is involved in a collision, even when
6 wearing a seatbelt.

7 MR. SALKIN: And I guess what I'm
8 trying to say is that the wiggle room that you're
9 eluding to is a lot less than you're implying.
10 The--

11 CHAIRMAN LIU: [interposing] So in
12 other words, the additional space that the
13 partition takes does not factor in at all into
14 what the FMVSS would contemplate.

15 MR. SALKIN: That's how I
16 understand the seatbelt code, yeah.

17 CHAIRMAN LIU: All right. Well I
18 want to thank you for your testimony today. Oh,
19 wait. We're sorry. We have questions from
20 Council Member Diana Reyna.

21 COUNCIL MEMBER DIANA REYNA: I'm
22 sorry. I just wanted clarification because I was
23 trying to read through the briefing paper. One of
24 the issues that Council Member Liu had raised as
25 far as safety was concerned; I was concerned. In

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2 reference to the airbags and their function to
3 properly secure a passenger with an L-shaped
4 partition installed. Do you believe that a
5 passenger is safe considering the partition would
6 almost come between the passenger and the airbag?

7 MR. SALKIN: I think I understand
8 what you're asking so let's work through this for
9 a second. If you're in the rear seat I don't
10 believe, and Peter correct me if I'm wrong, there
11 are any airbags in any vehicle for someone who is
12 in the rear seat for a front end collision.
13 Meaning that when you're seating in the front seat
14 and you're in an accident, an airbag comes in
15 front of you and protects you.

16 In newer vehicles that are side
17 curtain airbags. A side curtain airbag is exactly
18 what it sounds like. It's an airbag that comes
19 down on an impact. Again, I think there are
20 varying standards in which type of side impact
21 would release that side airbag. That airbag comes
22 down and is to your side. I don't know if that
23 would deploy in a front on accident. So the idea
24 that a partition that's in front of you would
25 prevent you from coming in contact with the side

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2 airbag, I think, isn't exactly the way to consider
3 it.

4 What we're concerned about is does
5 the way the partition is designed, does it prevent
6 the airbag that's on the side from deploying
7 properly. And in older models of vehicles that
8 don't have the added safety feature of a curtain
9 airbag, the partition goes all the way across.
10 And what would happen, and again Peter you've seen
11 this deployment. I understand it would kind of
12 fold, the airbag wouldn't deploy because it would
13 get stuck on that partition. So what we've done
14 is we modified the partition to have some space--
15 I'm sorry. Peter is correct. The manufacturer of
16 the partition modified it to allow for sufficient
17 space to exist so that when the curtain airbag
18 does deploy, that it does deploy properly and the
19 partition doesn't interfere with that.

20 So it's not a traditional airbag
21 that's in front. I think some of these newer
22 vehicles have five, six, seven, eight airbags. As
23 new airbags come online we make sure that our
24 standards don't interfere with the deployment of
25 those airbags. I think a Crown Victoria at this

1
2 time has two airbags so it's a different model
3 with different safety features.

4 MS. REYNA: So not just the
5 passenger but the safety of the driver, obviously,
6 being a front passenger would not be compromised.

7 MR. SALKIN: That is correct.

8 MS. REYNA: Okay. And it's my
9 understanding that there was a lawsuit filed
10 yesterday. This would perhaps have an implication
11 on the October deadline of this year. If, in a
12 hypothetical scenario, the judge rules that the
13 deadline has to change or that the month in which
14 the installation of these hybrid vehicles have to
15 be met as far as the goal that the TLC has already
16 announced. What then is your contingency plan?

17 MR. SALKIN: Again, as you eluded
18 to, there is a lawsuit filed I believe this week
19 in terms of there being outstanding litigation.
20 And you're referring specifically to it. Those
21 are questions that I'm not prepared to answer
22 today. So I respectfully will remain silent on
23 that.

24 MS. REYNA: You're waiting for the
25 judge to rule on whether or not this case will

1
2 proceed and whether or not there's going to be any
3 further judgment or...

4 MR. SALKIN: Again, I'm not going
5 to answer that and the advice of the outstanding
6 lawsuit and not wanting to say anything.

7 MS. REYNA: So until now the
8 deadline is October 2008?

9 MR. SALKIN: Not until now, the
10 deadline is currently October 2008.

11 MS. REYNA: 2008, of this year.

12 MR. SALKIN: Yes.

13 MS. REYNA: Which is in a couple of
14 weeks.

15 MR. SALKIN: Right. And again, to
16 understand that it's a phase in as vehicles come
17 up for retirement. It's not one day all the
18 vehicles have to change; it's a progressive change
19 that will take several years. Probably at about
20 200 vehicles per month retire given the month.
21 Those vehicles that go on the road will have to
22 meet the new 25 mile per gallon standard, as the
23 Chairman noted, up until 2009 in October when the
24 standard changes to 30 miles per gallon.

25 MS. REYNA: I know that this has to

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2 do with safety and not miles per gallon. I'm just
3 trying to understand as far as the driver or the
4 vehicle owner purchasing the actual vehicle itself
5 would have to make sure that they're investing for
6 the future not for the October of 2008 deadline,
7 but rather the October of 2009 deadline, not 25
8 miles per gallon but rather 30--

9 MR. SALKIN: [interposing] No, no.
10 Because if you have a vehicle-- Typically
11 vehicles get three years or five years. And there
12 are some Council will authorize extensions for the
13 vehicles. But we'll just assume three and five
14 for now. If you purchase a vehicle in November of
15 this year and put it on the road and it gets 25
16 miles per gallon, you can keep that vehicle for
17 the entire life that you're authorized to keep it,
18 which I think would be five or six years assuming
19 you pass inspection. So it's not such as October
20 2009, if you have something that performs less
21 than 30 miles per gallon you have to replace.
22 It's the standard, you get to keep it on the road
23 and that's grandfathered in. It's just new
24 vehicles entering the system.

25 Just to remind you, TLC is one of

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2 the few jurisdictions in the country, and we've
3 had this rule for many years, that all vehicles
4 upon retirement get replaced with brand new
5 vehicles. So even today the average age is about
6 three years, 3.3 years for the entire fleet.
7 We're always in a situation where pretty much
8 3,000 vehicles a year get turned over and that's
9 been that way for several years. So it's not that
10 the vehicle on the road will have to be replaced,
11 it's the vehicle that's at the end of its life
12 cycle in terms of TLC standard--

13 MS. REYNA: [interposing] And not
14 they hybrid vehicle but rather a non-hybrid
15 vehicle?

16 MR. SALKIN: Some hybrid vehicles
17 are retiring because they've reached their three
18 year lifetime or four year lifetime or the person
19 who runs them is deciding to retire them. But
20 again, the life of the vehicle hasn't changed.
21 That standard hasn't changed. It's just the type
22 of vehicle you are authorizing for the road is a
23 25 mile per gallon standard. Many of those are
24 hybrid but there are some that are not, and let it
25 go down the road.

MS. REYNA: I appreciate the time you took. I apologize to the Chair for last minute questions.

CHAIRMAN LIU: It's all right.

MS. REYNA: Thank you.

CHAIRMAN LIU: Thank you very much. Gentlemen, thanks for joining us. Next we'll hear from the Honorable Micah Kellner, the member of the New York State Assembly. Following Assembly Member Kellner, we'll hear from representatives of the Ford Motor Company, Jack Ridenour.

MICAH Z. KELLNER: Thank you Mr. Chairman. I really appreciate it. I'll try to make my remarks a little briefer. I know that there's a lot of people to testify and we're running late. My name is Micah Z. Kellner and I represent the 65th Assembly District in Manhattan, including parts of the Upper East Side, Yorkville and Roosevelt Island. Thank you again Mr. Chairman for holding these hearings 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,

1
2 lung disease and other serious threats to public
3 health. There is no question we should be taking
4 steps to mitigate the environmental impact of taxi
5 traffic in New York.

6 I testified before this Committee
7 in June on the subject of clean air taxis. At the
8 time I argued that the Taxi and Limousine
9 Commission is using flawed metrics and a rushed
10 timetable to provide a public relations victory
11 for an outgoing mayoral administration, even at
12 the expense of other important priorities in the
13 process. This is a fully disabled accessible taxi
14 fleet.

15 I'm here today because I'm
16 concerned about the reports that I've read
17 regarding the safety of hybrid taxis currently on
18 the road in New York City. It may be simply
19 disingenuous for the TLC to used flawed metrics to
20 justify their goals. But it's completely
21 irresponsible to jeopardize the safety of riders
22 and drivers to meet those goals. In a letter
23 dated August 29th of this year from the
24 Metropolitan Taxi Board of Trades attorneys to the
25 Ford Motor Company, the MTBOT raised a number of

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2 safety issues regarding the TLC modified hybrids,
3 resulting from an engineering study that taxi
4 owners commissioned.

5 I'm very interested because as I
6 understand it, that Ford has not responded at this
7 time so I'm very interested to hear their
8 testimony today. These concerns are very real and
9 they include the improper deployment and operation
10 of side airbags in partition modified vehicles.
11 The possibility of passengers injured due to the
12 shorter distance in the smaller hybrid vehicles
13 between the partition and the back seats, the
14 possibility of injury due to the sharp edges of
15 the L-shaped partition type and the increased
16 likelihood of smaller hybrid vehicles like the For
17 Escape hybrid to roll over in an accident.

18 The fact is the owner manuals for
19 these cars warn specifically against their
20 modifications for safety reasons. And the hacked
21 the vehicles themselves have not been crash
22 tested. The TLC would have you believe that crash
23 testing these modified vehicles is unnecessary
24 because the unmodified vehicles have been crash
25 tested and met federal safety standards. I think

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2 we all understand that there is a major difference
3 between crash testing a modified vehicle with a
4 partition and a vehicle without any modifications.

5 It also is significant. The crash
6 tests on these vehicles do not study the safety
7 considerations for the majority of TLC customers
8 rear seat passengers. The TLC required Auto Van,
9 a company that produced a rear entry accessible
10 modification of the Toyota Sienna that was already
11 used as a taxi in major North America cities to
12 put their vehicle through a 15 month approval
13 process, which was rather meticulous to determine
14 if it would hold up to the rigors of being a 24/7
15 New York City taxi. This included over a year of
16 road testing and driver and rider evaluation.
17 Additionally, Auto Van was made to pay for the
18 crash testing above and beyond the FMVSS standards
19 after hack up of its modified version of the
20 Sienna in order to prove that it was safe. As
21 well as obtain Toyota's manufacturing endorsement
22 and have an independent engineer sign off on the
23 structural integrity of each vehicle that comes
24 off their assembly line.

25 Officials of the TLC repeatedly

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2 told me that the reason for all this scrutiny was
3 that the safety of the modified Sienna was the
4 TLC's paramount concern and that's really how it
5 should be for all vehicles. But politics seemed
6 to have trumped safety, particularly when one sees
7 the glittering contrast between the process I just
8 described and the way in which hybrid vehicles
9 were pushed through for TLC approval.

10 Depending on the hybrid model, they
11 were only road tested between a few months and a
12 few weeks. And in terms of the now clean diesel
13 Jetta - not at all - there was no crash testing or
14 engineering studies. Recently Auto Van announced
15 to TLC that they would be modifying a model year
16 2009 Toyota Sienna, which are structurally
17 identical to the model year 2008 vehicle. The TLC
18 responded by requiring Auto Van to ship a modified
19 2009 Sienna to New York for inspection before
20 approval. The TLC is right to require this but
21 how could it then justify the approval of the
22 Volkswagen clean diesel Jetta without ever testing
23 it in any way?

24 If safety is truly the TLC's main
25 concern, I find it outrageous that there is one

1
2 set of standards to have disabled accessible
3 vehicles approved by the TLC but another for how
4 fuel efficient taxis are approved. What is worst
5 of all is that it's seemingly being left to the
6 industry to police the agency. We must ensure the
7 same rigorous safety testings for every modified
8 vehicle, not pick and choose which ones to crash
9 test to suit the time table of the Mayor's legacy
10 projects.

11 Last June I said that the TLC's
12 deadline of October 1, 2008 for achieving the 25
13 mile per gallon standard was not realistic. I
14 still think that. The TLC should slow down. The
15 first priority should have been the development of
16 the taxi of tomorrow. Fuel efficiency is an
17 important factor but it's not the only one and it
18 surely should not trump safety.

19 The deadline effectively emphasizes
20 fuel efficiency to the exclusion of all other
21 considerations and doing so it is endangering the
22 goal of universal accessibility. The fact that
23 there is a lack of real crash test data for
24 hybrids among other safety concerns raised by the
25 MTBOT has only increased the need for the

Commission to take a step back.

I urge the TLC to reconsider the October 1 deadline. We must not squander the progress that has been made by the Taxi of Tomorrow Initiative and we must not put riders in harm's way. The ultimate goal is within reach; taxis for all, accessible, environmentally friendly and most of all safe. It's critical that we take advantage of this opportunity rather than letting it slip away in the name of political expediency. Thank you again for letting me testify Chairman Liu.

CHAIRMAN LIU: Thank you very much Assembly Member. It's always good to have you here in these meetings. Thank you. Benny, you can't ask questions during these City Council meetings. There are elections coming up next year. You got to run for it. Okay. You keep raising your hand. We would like to hear from Jack Ridenour from Ford Motor Company. To be followed by Ron Sherman and Bruce Gambardella.

JACK RIDENOUR: Good afternoon. My name is Jack Ridenour on behalf of Ford Motor Company. I would like to thank the Committee in

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2 Transportation of the City Council for giving Ford
3 an opportunity to speak at today's hearing. I met
4 with Commissioner Shankman of the Taxi and
5 Limousine Commission in June to discuss the Ford
6 Hybrid Escape. I'm here to follow up on those
7 discussions.

8 I very recently retired from Ford
9 as Chief Engineer of Vehicle Safety and I'm
10 familiar with the safety performance of the Ford
11 Hybrid Escape. As I stated in my letter on June
12 20, 2008 to Commissioner Mathew Daus of the Taxi
13 and Limousine Commission, Ford is very confident
14 that the Ford Hybrid Escape is suitable and safe
15 for New York taxi fleet.

16 Ford's engineering standards and
17 test demonstrate the safety and reliability of the
18 Hybrid Escape. For employs many engineering
19 standards that incorporate decades of technical
20 expertise and field experience. We know that when
21 our products meet those standards they will
22 satisfy our customers. Those standards related to
23 various elements including material quality,
24 dimensional characteristics, structural integrity
25 and system performance of our products.

Other aspects of performance require testing and evaluations confirm our vehicles will do the job for our customers. For example, we have conducted a series on various tests on Escape vehicles including the 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. Hybrid Escape has achieved outstanding crash 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. But it is gratifying that when third parties recognize what Ford engineers already know 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 roll over accidents, the 2009 Hybrid Escape is equipped with advanced track 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 better sense unstable conditions and apply counter measures to help the driver to maintain the control. The system substantially reduces a potential for rollover accidents.

Another 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. When we meet out durability testing requirements, we certainly will make improvements on 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 even

1
2 better.

3 Numerous refinements have been made
4 to the Crown Victoria over the years based on the
5 same fleet customer feedback. Escapes have been
6 in taxi service since the 2005 model year and they
7 have proven to be very capable vehicles for taxi
8 service. We have made several improvements to the
9 Escape as a result of the taxi fleet experience,
10 including changes to the water pump and engine's
11 control software to reduce down time.

12 We look forward to working with the
13 New York City fleet customers to make improvements
14 to the Hybrid Escape. However the current Hybrid
15 Escape meets our requirements for taxi use today.

16 Ford is aware of the questions that
17 have been raised about the safety of the Hybrid
18 Escape after it has been outfitted with
19 modifications required by the Taxi and Limousine
20 Commission. I met with the Taxi and Limousine
21 Commission in June this year to review some of the
22 requirements. I was very impressed with the
23 Commission's tri-annual taxi inspection process
24 and how the Commission worked with suppliers of
25 the side air curtains on the Hybrid Escape to

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2 establish the appropriate clearance for the
3 required partition between the drivers and the
4 passengers.

5 Ford is not in a position to
6 criticize or question the various modifications
7 required by the Taxi and Limousine Commission.
8 The Commission has an important job in making
9 judgments that balance competing benefits and
10 risks involving driver and customer safety in a
11 unique operating environment. Ford does not have
12 the experience or the expertise to balance all of
13 these considerations. Ford wants to help answer
14 some of the technical questions that have been
15 raised about the Hybrid Escape in a New York Taxi.
16 I will pose the questions and respond to each one.

17 First, is the Hybrid Escape unsafe
18 because it is smaller and lighter than the stretch
19 Crown Victoria taxi? No. Ford specifically
20 rejects a premise that any vehicle smaller than a
21 stretch Crown Victoria is unsafe. The crash test
22 performance of the Hybrid Escape is excellent as
23 demonstrated in the Five Star and top safety picks
24 scores awarded by third parties.

25 Ford does not argue with the

1
2 fundamental fact of physics, that a larger,
3 heavier vehicle has inherent benefits in managing
4 crash energy. However, that fact does not make
5 the Hybrid Escape unsafe for taxi use. Safety is
6 much more technically complex than simply weighing
7 or measuring vehicles.

8 Do the modifications required by
9 the Taxi and Limousine Commission cause the Hybrid
10 Escape to be unsafe for taxi use? The Taxi and
11 Limousine Commission modifications need not make
12 the Hybrid Escape unsafe for taxi use. In fact,
13 the Taxi and Limousine Commission took steps to
14 address the one risk related to side airbag
15 deployment that has been identified.

16 As I stated above, Ford is not in a
17 position to evaluate the balance of benefits and
18 risks the Taxi and Limousine Commission must make
19 in developing its requirements.

20 Does the partition required by the
21 TLC pose an increased risk of injury to rear seat
22 passengers? For belted rear seat passengers,
23 safety belts help restrain the forward movement of
24 the occupants reducing the risk of injury from
25 striking the partition or the front seat. The

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2 safety belt is the single most important safety
3 device in a vehicle. And we strongly encourage
4 every occupant to be properly belted. Depending
5 on the type of the collision, the size of the
6 occupant, there may be some contact with the
7 partition.

8 Ford specifically evaluates the
9 occupant connects in belted rear seat occupants
10 when designing all of our products. It has been
11 argued that because the rear seat occupant space
12 is smaller in a Hybrid Escape than it is in a
13 stretch Crown Victoria that there is an increased
14 risk for belted occupants to contact the partition
15 in a collision. That analysis is true for any
16 vehicle with a smaller occupant space than the
17 stretch Crown Victoria. It is not unique to the
18 Hybrid Escape.

19 For unbelted occupants, the risk of
20 injury is caused by a lack of safety belt use.
21 With regard to the concerns about partitions
22 dislodging during a collision, Ford does not
23 design nor install partitions and can not comment
24 on that potential risk.

25 Has Ford conducted any crash

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2 testing of Hybrid Escapes equipped with a required
3 partition to evaluate the performance of rear seat
4 occupants? There are several issues wrapped up in
5 this question. First, Ford is not aware of any
6 vehicle that has ever been crash tested with a
7 partition installed and crash dummies in the rear
8 seat. Such a test will be a new and unrefined
9 requirement for any vehicle, not simply the Hybrid
10 Escape.

11 Second it is unclear what type of
12 test it would be and what being the acceptable
13 level of performance. Crash testing with test
14 dummies in the rear seat is not an established
15 crash test protocol in the auto industry. Real
16 world crash test data show that rear seat
17 occupants have a lower risk of injuries and
18 fatalities than front seat occupants. It is not
19 clear how crash testing with dummies in the rear
20 seat would evaluate and improve upon the current
21 excellent crash performance of these vehicles.

22 Third, the results of such testing
23 must be balance against the benefits that the
24 partition provided the drivers. Automobile
25 manufactures are not in a position to make that

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2 evaluation and crash testing would not provide
3 sufficient data to determine the right balance for
4 New York City taxi fleet.

5 I hope I have been able to answer
6 some of your questions about the Hybrid Escape.
7 Ford is confident that the Hybrid Escape is safe
8 and suitable for use as a New York City taxi.
9 Ford has a long history of supporting the taxi
10 industry in New York. We want to continue this
11 relationship by supplying both Hybrid Escape and
12 the Crown Victoria to the taxi fleet of this great
13 city. Thank you again for allowing me to speak to
14 you today on behalf of Ford Motor Company. I'd be
15 happy to entertain any questions you might have.

16 CHAIRMAN LIU: Thank you very much
17 Mr. Ridenour. When taxi companies in New York
18 City purchase vehicles from Ford, those vehicles
19 come with warranties?

20 MR. RIDENOUR: Yes, sir.

21 CHAIRMAN LIU: Even for commercial
22 use.

23 MR. RIDENOUR: Yes, sir.

24 CHAIRMAN LIU: And do those
25 warranties remain in effect with the TLC required

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modifications to the vehicles.

MR. RIDENOUR: As long as those modifications do not affect the performance of the vehicle, yes.

CHAIRMAN LIU: And who makes that determination?

MR. RIDENOUR: Well it would depend on what the warranty claim was. For example, if you had a partition that was screwed into a piece of trim on the vehicle and someone filed warranty claim because the trim was torn or cracked around the screw hole, that would not be covered.

CHAIRMAN LIU: Okay. What about the safety features of the vehicle as it comes off the assembly line? No, as it gets--I don't know what. It's not driven out of a showroom, right? Taxi owners don't go to a showroom and get it. When the taxi company takes possession of the vehicle, what safety features might be covered under the warranty or perhaps not covered under the warranty because of the modifications to the vehicles?

MR. RIDENOUR: All of the safety features that we put in the vehicle are covered

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2 under warranty. If there are modifications made
3 to the vehicle which adversely affect the
4 performance of those components, then obviously
5 that would void the warranty.

6 CHAIRMAN LIU: All right. But
7 Ford, the company doesn't actually have any
8 knowledge of the modifications prior to a claim
9 being made then?

10 MR. RIDENOUR: There are 350
11 million vehicles in the United States,
12 approximately--

13 CHAIRMAN LIU: [interposing] But
14 we're talking about--

15 MR. RIDENOUR: [interposing]
16 Manufacturers can not follow each of those
17 vehicles and determine how they are being
18 maintained or how they may have been modified. We
19 warn the owners not to modify vehicles such that
20 it could adversely affect the safety.

21 CHAIRMAN LIU: But in the case of
22 Crown Victorias we have thousands of them on New
23 York City streets and the vehicles have been
24 retired and replaced with additional Crown
25 Victorias for many years. Meeting the same kinds

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of requirements--

MR. RIDENOUR: [interposing] Right.
We have extensive experience with Crown Victorias,
yes sir.

CHAIRMAN LIU: And what about the
hack up requirements for New York City taxicabs.

MR. RIDENOUR: It's my
understanding that the first New York City
taxicabs of Hybrid Escapes were in November of
2005. There have been Hybrid Escape taxis that
were in service prior to that. So we've had
service for not four years, the experience with
Hybrid Escape taxis in large cities.

CHAIRMAN LIU: Okay. Your basic
testimony is that you don't want anybody to think
that Ford Escapes or any Ford vehicles for that
matter are unsafe in any way to get in to, even if
they are taxicabs in New York City. But the
company doesn't actually have any knowledge as to
what the TLC does with the Ford vehicles.

MR. RIDENOUR: I'm not aware of any
accident data that has been scientifically
compiled in order to rate or compare the safety
performance of New York City taxis. That may be

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2 something that might be helpful now that there are
3 more models of different types vehicles that are
4 in service to evaluate the relative safety.

5 CHAIRMAN LIU: Okay. Thank you
6 very much for joining us Mr. Ridenour. Next we'll
7 hear from Ron Sherman and Bruce Gambardella of the
8 Metropolitan Taxicab Board of Trade. This panel
9 will be followed by Marvin Wasserman, Ken Stewart
10 and Edith Prentiss. Please proceed gentlemen.

11 RON SHERMAN: Good afternoon
12 Chairman Liu and distinguished members of the
13 Committee. I would first like to thank Chairman
14 Liu and this Committee for your vigilance in
15 protecting the safety of the 240 million annual
16 yellow taxi passengers and the tens of thousands
17 drivers.

18 Nothing is more important than
19 human life. If you place human lives in your
20 hands, as every taxi fleet owner does, you
21 understand that it is never acceptable to
22 compromise safety. And by holding this second
23 oversight hearing on the misguided and dangerously
24 accelerated mandate that requires untested
25 passenger hybrid taxis to replace purpose-built

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2 taxicabs, you are acknowledging the City's
3 obligation to protect the lives and the safety of
4 its citizens, workforce and visitors.

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

10 Yesterday MTBOT released a report from Bruce
11 Gambardella, a professional engineer known for his
12 work in automobile safety. We sent copies to all
13 the members of the Committee, I have extras if you
14 need them.

15 In this report Mr. Gambardella
16 compares and assesses the safety of hybrid taxis
17 after months of a comprehensive study. Not
18 surprisingly, he found that hybrids are not
19 designed for 24/7 commercial use and must not be
20 placed in service as taxicabs. Hybrids are too
21 small to provide the protection that taxi
22 passengers and drivers require. Hybrids are not
23 designed to hold partitions so in practice they
24 may block side curtain airbags, dangerously reduce
25 legroom by up to ten inches and are insecurely

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2 mounted, which cause them to become dislodged in
3 accidents.

4 I just came from the TLC hearing
5 this morning where the topic was vinyl seats,
6 which are mandated by TLC because the car seats
7 are easily torn and most importantly more
8 difficult to clean. As it turns out,
9 manufacturers warned the TLC that the vinyl seats
10 they mandate interfere with the airbag sensors.
11 Now that TLC wants to take the vinyl seats out.
12 All that TLC would have needed to do is read their
13 owners manuals where they would have found several
14 warnings that prohibit after market seats for
15 precisely this reason.

16 The same warnings apply to the most
17 important modification, the partition. The TLC,
18 once again, ignored the evidence before them
19 because the city is hell bent on putting hybrids
20 on the road no matter how incredibly unfit they
21 are for taxi use. What will it take for the TLC
22 to realize hybrids are not safe taxicabs? An
23 injury? A fatality? I'm testifying here to say
24 that unless we act rationally and wait for the
25 purpose0-built, fuel efficient taxicabs to come

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2 out next year, that is exactly what's going to
3 happen.

4 Thank you very much. I'd be happy
5 to answer any questions you might have.

6 CHAIRMAN LIU: Thank you. Mr.
7 Gambardella.

8 C. BRUCE GAMBARDELLA: Okay. That
9 did it. Good afternoon Mr. Chairman, members of
10 the Committee. My name is C. Bruce Gambardella.
11 I'm a professional engineer licensed in New York,
12 Michigan and Connecticut. I worked as an accident
13 re-constructionist full time since 1982. My
14 clients have included the City of New York, Ford
15 Motor Company, General Motors, New York State
16 Attorney General's office and others. I have
17 inspected more than 3,000 vehicles and performed
18 more than 1,300 detailed accident reconstructions.

19 The Metropolitan Taxi Board of
20 Trade as hired me to analyze the safety of hybrid
21 taxicabs that are an industry concern for their
22 passengers and drivers. Over a period of months I
23 have performed evaluations on three hybrid
24 taxicabs, the Ford Escape, the Toyota Highland and
25 the Nissan Altima. And have performed an accident

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2 reconstruction study on the Ford Escape. I have
3 also studied publicly available safety information
4 on these and other hybrids. I would like to share
5 those key findings in my report.

6 All other things being equal,
7 larger, heavier vehicles are safer vehicles. A
8 comprehensive inspection of the 2007 Ford Escape
9 hybrid that was totaled in a rear end collision
10 indicated that an individual would experience a
11 40% greater acceleration in the Ford Escape than
12 he would in the stretch Crown Victoria. A 40%
13 reduction in the g-load during a crash is highly
14 significant and will dramatically reduce the
15 potential for injury.

16 The Ford Crown Victoria long wheel
17 base or stretch is the safest taxicab available.
18 Produced exclusively for the taxi and police
19 markets, a Crown Victoria is a big, heavy duty
20 commercial vehicle with large crumple zones. It
21 is engineered to withstand serious collision in
22 the 24/7 commercial usage. It has abundant rear
23 seat room to allow for expected occupant movement
24 in a crash. Hybrids are non-commercial vehicles
25 that were never intended to hold partitions or be

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2 rigorously used in 24/7 operation and have
3 insufficient rear occupant space.

4 The TLC has either ignored or
5 didn't read the hybrid owner manuals, which all
6 warn against modification precluding the
7 installation of partitions. Partitions in hybrid
8 taxis may block the vehicle's side curtain
9 airbags. Hybrids like the Ford Escape, the Nissan
10 Altima require greater safety measures including
11 side curtain airbags to compensate very small size
12 and weight. Partitions are necessary in New York
13 City taxis to prevent drivers from being assaulted
14 or killed or robbed.

15 The partitions in the hybrids
16 inspected were mounted flush against the side
17 curtain airbags and therefore may interfere with
18 their proper deployment. Frequent and severe
19 facial injuries will incur in small hybrid taxis
20 due to inadequate space between the partition and
21 the passenger. The Ford Escape Hybrid for example
22 has 10 inches less rear occupant space than the
23 stretch Crown Victoria. In hybrid taxies, even
24 belted rear seat occupants of average stature are
25 likely to hit their heads on the partition in an

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2 accident. The significant difference in rear seat
3 occupant space between a Crown Victoria and a
4 small hybrid vehicle like the Escape is a
5 difference between striking and not striking the
6 partition in an accident.

7 The L-shaped partition is
8 particularly dangerous due to its prominent hard
9 surface and sharp edges; an anomaly in the
10 automotive industry that strives specifically to
11 avoid hard surfaces and sharp edges. This crude
12 modification changes the entire interior
13 environment and takes us back about a half a
14 century in automotive safety. The L-shaped
15 partition can not be securely mounted in hybrids.

16 The L-shaped partition must be
17 affixed to whatever available plastic exists near
18 the center console, increasing the risk of it
19 being dislodged in an accident, as it was in a
20 crash in 2007 Ford Escape Hybrid inspected in my
21 report. Taxi drivers are at a greater risk of
22 injury in hybrid taxis. Small hybrids with the L-
23 shape or full width partition do not permit the
24 drivers to recline their seats to create the
25 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 dangerous glare on the right side due to the L-shaped partition. Drivers are boxed in with the L-shaped partition may have trouble escaping from an accident. Further, it limits access to injured drivers pinned in the vehicle.

The L-shaped partition's 4 1/2 wall presents a serious hazard in side impacts. The Ford Escape and other SUVs have higher rollover rates than the Crown Victorias for their tendency to rollover. The 2000 Ford Escape has only a three star NHTSA rollover rating, which drops to a two star rating when the vehicle is fully loaded with passengers, as many passengers are. Crown Victorias have a five star rollover rating.

The TLC can not rely on federal safety ratings to assert the safety of rear seat occupants in the hybrid taxis. The National Highway and Transportation Safety Administration, NHTSA, and the Insurance Institute for Highway Safety do not conduct front or rear crash tests on rear seated adults, the vast majority of taxi

passengers.

In addition, the NHTSA nor the IIHS nor the TLC has ever conducted crash tests on modified hybrid taxis. It is completely unknowns whether these modified taxis would pass federal crash test standards. Adult rear seat occupants are not studies by the NHTSA as they have the lowest injury rates in real world crashed. 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 the hearing this morning of the TLC. The TLC has a history of ignoring warnings and placing the public in danger. The TLC ignored the warnings of an after market vinyl seat such as "do not modify or replace seats or upholstery with side impact airbags. Such changes may prevent the side airbag from activating correctly." This is a quotation from the Toyota Highlander Hybrid 2006 manual.

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 vinyl seats because they will "will prevent the front seat airbag from deploying or limit the force of deployment and may prevent the seat installed side/thorax bags from working properly."

In my report I strongly suggest that the New York City only approve vehicles that are designed for commercial use. I also suggest that New York City crash test all vehicles under consideration for taxi use with properly engineered partitions and I want to stress that - engineered partitions that have real designs.

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, the taxi industry to get the best available purpose-built taxi for the City of New York. Thank you for your attention.

CHAIRMAN LIU: Thank you very much. You said this in June also I believe. What exactly is preventing the side airbags from deploying?

MR. GAMBARDILLA: The issue is the proximity of the partition to the airbag and the roof rail adjacent to it. The thing you have to

1 understand is there is no design from the TLC
2 specifying the exact design of this side
3 partition. So there isn't a fixed design. There
4 are multiple people making multiple partitions and
5 either they pass or they don't pass the
6 inspection. But there is no design standard for
7 this partition. In other words, where are the
8 auto cab drawings? Where are the drawing that you
9 have? Then how are you going to mount this?
10 Where is all this stuff specified? It's got to be
11 engineered so it's a moving target.
12

13 CHAIRMAN LIU: Have you tested some
14 deployment of side airbags and found that in fact
15 the partition got in the way of the airbag fully
16 deploying?

17 MR. SHERMAN: The partition goes in
18 a Crown Vic from the two B pillars. It goes right
19 up against it, as close as you can get. In the
20 hybrid vehicles because the air conditioning made
21 an L-shaped, the L-shaped partition goes into the
22 left B pillar. By going into that left B pillar
23 the curtain airbag goes from the front to the back
24 of the car, probably about this much. As it rolls
25 down, if you have a bulletproof wall in the middle

1
2 of the car, how does that come down to protect the
3 passenger behind the driver or the driver?

4 MR. GAMBARDELLA: You have to have
5 a complete space between in order to gauge the
6 partition.

7 CHAIRMAN LIU: Right. So in fact
8 for--but this is not for the Crown Victoria, this
9 is for the hybrid, the Ford hybrid?

10 MR. GAMBARDELLA: Correct.

11 MR. SHERMAN: Correct. The Crown
12 Vic doesn't have a side curtain airbag so it's not
13 an issue.

14 CHAIRMAN LIU: The partition, as
15 far as people wearing seat belts in the back. I
16 wish that passengers would wear their seatbelts,
17 we urge it also but they don't. If you put on a
18 seatbelt you will still hit the partition. What
19 happened in 2002, Ford got together with the
20 industry and stretched the Crown Vic six inches by
21 taking that bullet proof wall six more inches away
22 from the passenger's face. And it's the distance
23 between you putting your head between your legs or
24 hitting a cushion in front of you like the back of
25 the seat or going into a 3/8 inch lexan [phonetic]

1 wall, which can cause serious injury.

2 MR. GAMBARDELLA: The 3/8 inch
3 thick lexan wall is designed to stop a pistol
4 bullet coming out at 1,200 feet a second--
5

6 CHAIRMAN LIU: [interposing] I
7 understand that. I mean has the TLC been made
8 aware that the side airbag will not deploy?
9 That's what you're saying, right? They will not
10 deploy.

11 MR. GAMBARDELLA: We have made that
12 statement to them and we have brought that. We
13 testified for over an hour in front of your
14 Committee the last time on many different safety
15 issues. We've urged the City to slow down to go
16 back to the original PlaNYC 30 plan to try and
17 achieve a safe, durable, comfortable car that can
18 be built by automobile manufacturers as early as
19 summer of next year. All right. That is as big,
20 safe and comfortable as the Crown Vic and that is
21 also fuel efficient.

22 CHAIRMAN LIU: Yeah. The TLC
23 testified just earlier that they've approved a
24 different type of partition to accommodate that
25 side airbag deployment.

1
2 MR. GAMBARDELLA: The TLC's rules
3 are that if it has a side airbag curtain you must
4 have, I believe, a six inch gap on both sides of
5 the pillar so that it can properly come down. I
6 have never seen a partition like that except for
7 when it got approved many, many years ago. I saw
8 a picture of one and that was it. I've never seen
9 one in actual use.

10 CHAIRMAN LIU: That would also kind
11 of negate the effectiveness of the partition?

12 MR. GAMBARDELLA: Correct.

13 CHAIRMAN LIU: If you're going to
14 have a six inch gap. Exactly.

15 MR. GAMBARDELLA: Correct.

16 MR. SHERMAN: Correct. And the
17 other thing is you have to test each and every
18 vehicle with each and every partition design to be
19 able to say that it will function properly. And
20 since you don't have a specific design for the
21 partitions to begin with and you have multiple
22 different kinds of vehicles, you are talking about
23 doing a large number of very expensive tests. And
24 to my knowledge, nothing like that has been done.

25 CHAIRMAN LIU: All right.

1
2 MR. GAMBARDELLA: You had a
3 question earlier about the partition and its
4 effect on rear seat room. I think that deserves
5 an answer.

6 CHAIRMAN LIU: Please respond to
7 that.

8 MR. GAMBARDELLA: The partition is
9 set so that the driver can slide the seat as far
10 back as possible in the upright position. So that
11 limits the rear seat occupant space to the maximum
12 excursion of the seat. But it does not allow you
13 to recline the seat as much as it could and if it
14 did, you'd really compromise your seat space.
15 That becomes an issue for adequate clearance for a
16 larger, heavy driver to the airbag because they
17 tell you if you can't get your seat far enough
18 back to get minimum 10 inches of clearance that
19 they want, recline the seat. Well with a
20 partition you can't. So that's for the large,
21 heavy driver. That's an issue--

22 CHAIRMAN LIU: [interposing] That's
23 for the driver who presumably, definitely should
24 put the seat belt on. For the passenger, even
25 when the passenger put his seat belt on the

1
2 Commissioner seemed to testify that there's very
3 little wiggle room, meaning that when there is a
4 collision the seat belt doesn't actually allow you
5 to move very far.

6 MR. GAMBARDILLA: Pure,
7 unadulterated nonsense. Go look at some crash
8 tests; they are in my report. You can see the
9 excursion of the hybrid three dummy in a crash
10 test. It's part of the issues. Basically the
11 dummy's head goes almost to the dashboard and
12 that's in a vehicle with an airbag, with a pre-
13 tensioner, with a forced laminy [phonetic] device
14 and a belt on; highly sophisticated system. You
15 see a great deal of excursion in a 35 mile an hour
16 crash.

17 The problem if you make the seat
18 belt system too rigid is you restrain the body and
19 the head and neck go forward and you get special
20 skull fractures, you get neck fractures, you get
21 quadriplegia. So one of the things that
22 manufacturers do is they control the seat belt
23 forces and take advantage of that occupant space
24 to give you a longer ride down. You're not
25 rigidly kept in place. If you were, the seat belt

would cause other injuries.

MR. SHERMAN: Chairman Liu in reality what we're trying to do, for the last year and a half we've been testifying in front of your Committee, we've been testifying in front of the TLC. You just listened to Ford say that they will continue building the Crown Vic until other cars come out next summer like the Transit Connect. What is the rush here to start October 1st in cars that are approved to be taxicabs that never been on the road? They've never been tested. With cars that are on the approved list that have never been hacked up one bit. It just doesn't make any sense.

You need to slowly test the new technologies that come out, make sure they're correct so we don't have issues like the problems that we're changing with the vinyl seats, the problems that we're changing with the partitions. If we all work together and go back to the Taxi of the Future and don't make it the taxi of Tomorrow, there's no reason why we can't have a safe, durable, comfortable vehicle for the public and our drivers that is also efficient.

CHAIRMAN LIU: All right. Thank you very much for your testimony, sir.

MR. GAMBARDILLA: Thank you very much.

CHAIRMAN LIU: Next we will hear from Marvin Wasserman and Ken Stewart and Edith Prentiss. Hello Marvin, proceed when you're ready.

MARVIN WASSERMAN: I'm Marvin Wasserman, Executive Director for 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 of the University of California, Riverside reached the same conclusion. The study found that in some context pedestrians, both blind and sighted, may have only one second to hear approaching hybrid vehicles operating at very slow speeds. This is particular implications

1
2 for people who are blind as well as small
3 children, senior citizens, runners, cyclists and
4 others.

5 Technology does exist to remedy
6 this. Stanford University graduate students have
7 created a device, which emits a soft hum that is
8 heard when the silent electric motor is engaged.
9 We strongly urge you to enact legislation to
10 ensure that the electric engines of all hybrid
11 taxis be required to emit some sound.

12 We note that clean air is a
13 disability issue. The current regulations call
14 for a gradual advance to a fleet that is composed
15 entirely of vehicles, which are either fuel
16 efficient or wheelchair accessible. We note that
17 Intro 378 would create a fleet which is both fuel
18 efficient and wheelchair accessible. This
19 technology is certainly within reach within the
20 next couple of years.

21 We call upon the Council to pass
22 Intro 378. Thank you for your attention.

23 CHAIRMAN LIU: Thank you Marvin. I
24 forgot to mention that next we'll hear from
25 Stephanie Tyree of We ACT. Go ahead, please

1
2 proceed Mr. Stewart.

3 KENNETH L. STEWART: Can somebody
4 say hello off mic so I know where to face? Thank
5 you. Thanks. I am Ken Stewart. I am President
6 of the Metropolitan Council of Low Vision
7 Individuals. I thank the Committee for the
8 opportunity to testify on the serious danger
9 presented by hybrid taxis and any hybrid vehicle,
10 which can travel in pedestrian areas without
11 making a sound.

12 My organization certainly applauds
13 the goal of a green environment but if I may
14 paraphrase Kermit the Frog, it isn't easy hearing
15 green. We also agree with concern about noise
16 pollution but noise pollution is not a factor in
17 what we are advocating. There's been research and
18 it was presented to the National Transportation
19 Highway Safety Administration on June 23rd that
20 indicated that the sounds of vehicles, whether
21 they're propelled by an internal combustion engine
22 or by hybrid technology or electric.

23 They all produce sounds primarily
24 the same way at higher highway speeds, 20 miles an
25 hour, 30 miles an hour. Those sounds are created

1
2 by tires on pavement and by air turbulence. So a
3 taxi cruising through a residential neighborhood
4 with the audible aspect that we are urging is not
5 going to be noisier than any other vehicle. We're
6 talking about where vehicles are interacting with
7 pedestrians, approaching crosswalks, negotiating
8 though intersections, coming out and down
9 driveways, backing out of a slot of a parking lot.
10 That's where we need to have that added audible
11 aspect.

12 I personally have had two accidents
13 with vehicles I did not hear. First was a small
14 sedan backing out of a parking slot in a Burger
15 King parking lot. It hit me and I ended up in the
16 emergency room in the hospital. The second
17 incident was right here in Manhattan. A vehicle
18 turning out of 55th Street onto Eighth Avenue hit
19 my side with its side and continued. There were
20 no witnesses. If I had fallen in the middle of
21 Eighth Avenue there would have been witnesses and
22 a police report. But fortunately I was not
23 injured; I was just startled.

24 That did not get into the accident
25 data because of the accident. It only got

1
2 reported because when I got home I insisted to my
3 local police precinct that they report it and it
4 was. So I would caution the Committee not to rely
5 on pedestrian accident data. We're not getting
6 good reporting yet at all on incidents involving
7 pedestrians. That incident that sent me to the
8 hospital, the insurance company of the motorist
9 didn't even find out about it until almost a year
10 later because I insisted that I would take her to
11 small claims court unless she reported it. And
12 only then did the insurance company find out about
13 the accident and paid the substantial hospital
14 costs.

15 Now, it's obvious that blind and
16 vision impaired people need to hear vehicles near
17 them. As Mr. Wasserman has indicated, there are
18 other classes of pedestrians too that are
19 threatened. Bicyclists for one. There was an
20 incident reported in the news media recently where
21 a boy was riding on his bicycle. He turned to the
22 side, not realizing there was a vehicle just
23 behind him. He ended up on the hood of that car.

24 A lot of New Yorkers going across
25 intersections are involved in telephone

1
2 conversations. They're relying on what they hear
3 more than they realize. Or the pedestrian that's
4 eager to cross the street and concentrating on
5 that don't walk sign ahead of them and paying no
6 attention visually to his side. But he's relying
7 on his hearing, again, more than he realizes. If
8 anybody doubts that, just cover your ears tightly
9 for a couple of blocks and see how uneasy you feel
10 afterwards even though you have full visual
11 information.

12 Another class of pedestrians we
13 must be concerned about are senior citizens.
14 We're saying publicly we want the city to be aging
15 friendly. The U.S. Census Bureau indicates that
16 by 2030 there will be 70 million people over age
17 65, that's 20% of our population. So we're
18 talking about lots of senior citizens that are
19 pedestrians and going to be pedestrians, too. And
20 we all know that as people age, their reflexes get
21 slower. They cross intersections more slowly and
22 the vision also tends to diminish. So lots of
23 classes of pedestrians are affected by these
24 dangers presented.

25 We claim that it would take only a

1
2 low cost, low tech addition to create that low
3 speed audible aspect on taxis and other vehicles.
4 Of course, taxis are most important because a taxi
5 is the most mischievous vehicles as far as
6 pedestrians are concerned. They stop and start at
7 unusual spots, near crossings. They dart across
8 lanes to get to a customer. They go straight
9 through intersections hurriedly. But all hybrid
10 vehicles and any other vehicle that's operating
11 without an internal combustion engine, where he is
12 interacting with pedestrians needs to have that
13 audible aspect.

14 Fortunately the auto manufacturers
15 industry is paying attention and they're starting
16 to study the matter but we can't wait. There are
17 people being endangered every day. I think that
18 its' imperative that there be regulations
19 absolutely prohibiting any vehicle to operate on
20 New York City that can operate slow speeds near
21 pedestrian interactions without an audible aspect.

22 When the Mayor's original
23 proclamation came out about wanting to go green
24 with hybrid taxis, I immediately went on record as
25 expressing my concern for it. And the

1
2 Commissioner of the Mayor's Office for People with
3 Disabilities immediately acknowledged my concerns.
4 So this is nothing new and people should take it
5 very seriously. And by the way, municipal
6 governments are also big customers of auto
7 manufacturers. If municipalities governments, the
8 City of New York for one, would say we're not
9 going to purchase any hybrid vehicles without this
10 easily added, easily designed audible aspect, that
11 would get the attention of the auto manufacturing
12 industry too. But specifically as far as taxis,
13 let's not let taxi drivers driver sneaky clean.
14 Thank you.

15 CHAIRMAN LIU: Thank you very much
16 Mr. Stewart. Edith.

17 EDITH PRENTISS: Hello, my name is
18 Edith Prentiss. I'm the Vice President of
19 Legislative Affairs of the Disabled in Action of
20 Metropolitan New York. I'm the President of the
21 504 Democratic Club as well as a member of the
22 Taxis for All campaign.

23 The popularity of non-combustion
24 engines as we know is very high at this point.
25 Combining the cost of gas, the MPG, taxes and

1 rebates, we at present have over 8 million non-
2 combustion engine vehicles in the United States.
3 Since motor vehicles replaced the horse, the sound
4 of the combustion engine has been the acoustic cue
5 that has taught pedestrians, cyclists, et cetera,
6 watch out. Without an acoustic cue we need to
7 learn different cues. We also need that cue
8 reinforced in these vehicles.
9

10 This is such an important issue
11 that there are several training programs in
12 Southern California that have purchased hybrid
13 vehicles to work with guide dogs in training, that
14 they know they can't depend on there being a
15 hybrid vehicle when they're doing work. They have
16 purchased them to train the dog to not just be
17 aware of sound but to be aware of the sight of the
18 vehicle as well.

19 Hybrid car blocks are full of self
20 defensive claims. Ken just has to be more
21 attentive, deaf people have to look both ways, et
22 cetera; it's all our fault. Well it's not all our
23 fault; it's their responsibility as well. This is
24 such a major issue that as we all know Senator Ed
25 Towns and other have a bill on the floor, 5735,

The Pedestrian Safety Enhancement Act of 2008.

But as Ken said, we can't wait for a study and a report.

About four days ago I was almost hit by a hybrid that came from behind me. Having been hit by cars from behind when we're both going the same direction. He's got the light, I've got the walk sign. He makes a right turn. He hits us. At least if there's a noise I know what hit me. Without a noise, I have no idea what's there and that's the problem.

There are manufacturers that are being responsive. Lotus has synthesized external noise, as they call it, which is similar to the hum. The enhanced vehicle acoustics is very interesting because the car somehow senses where the pedestrian is and directs the sound to the pedestrian. Well that may work in areas where you have one pedestrian but New York City, crossing a street, making a turn. I think we have more pedestrians and the system won't be able to work.

The Mayor's green edict did not take into consideration accessibility, as well all know, but also a need for education. When we are

1
2 changing, we teach children look both ways, et
3 cetera. It's now going to be look and find, be
4 more aware; that car is quiet.

5 The other issue we need to discuss
6 is drivers' responsibilities. Excuse me, we're
7 the pedestrians. Are they not supposed to yield?
8 Taxi drivers as Marvin and Kenneth both said, I'm
9 sorry they're right on red, pedestrian first,
10 whatever. We are dead meat in front of them. I
11 take some of the concerns and issues of the
12 Metropolitan Taxi Board with a bit of a grain of
13 salt and I will say why. They don't seem very
14 concerned that wheelchair users in taxis can't
15 face forward.

16 I actually have had several trips
17 on the central dispatch pilot in which I felt as
18 if my face was in the hole in the partition.
19 There is not enough space. I have a short chair,
20 no legs, no tilt, no nothing. I think that they
21 issues they're raising about the issue for big
22 cars is very important. But I'd like them to be a
23 little concerned about the impact for individuals
24 with disabilities as well.

25 At the present all green vehicles

1
2 in New York are dangerous. We need an acoustical
3 cue and we also need an education program to let
4 people learn and be aware that even with the
5 acoustic cue that vehicle is going to be quieter.
6 Short of doing car service driving, which is to
7 hold the hand on the wheel, I think that we will
8 never be able to well hear a green vehicle in New
9 York City, be it a hybrid, an electric or a
10 conversion cell. Thank you.

11 CHAIRMAN LIU: Thank you, Edith. I
12 want to thank this panel for testifying today. We
13 will now call Stephanie Tyree of We ACT and she
14 may have departed already. But this organization
15 did submit written testimony for this hearing,
16 that will be the organization We ACT for
17 Environmental Justice as represented by Stephanie
18 Tyree. We will enter this written testimony into
19 the record.

20 New we'll hear from Gene Friedman,
21 a fleet owner to be followed by Vincent Sapone and
22 Richard Ackerman. Please proceed, Gene. And
23 we've been joined by Council Member Darlene Mealy
24 of Brooklyn.

25 GENE FRIEDMAN: Hi, my name is Gene

1
2 Friedman. I'm a taxi fleet operator. I operate
3 about 800 New York City taxicabs, about 120 of
4 those are wheelchair accessible. I have about
5 500, close to 520, vehicles which are alternate
6 fuel. Most of them are hybrid. I have Toyotas, I
7 have Nissans, I have Fords. What else do I have?
8 That's about it. That's all I have as far as
9 hybrids.

10 I saw Council Member Yassky here
11 and I want to thank him because a couple of years
12 ago you guys started all of this with first
13 mandating the TLC to offer wheelchair accessible
14 cars and hybrid vehicles in their upcoming
15 auctions and then mandating the TLC three years
16 ago to put these vehicles on the road. The first
17 vehicles that we put on the road were in October
18 of 2005. Those were the original Ford Escapes.

19 I kind of a little resent the
20 testimony here that they haven't been crash
21 tested. Well they have; they've been on the road
22 for three years. I'm running over 500 vehicles
23 that are hybrids. Nobody called me, nobody asked
24 me how I'm doing. And I'm doing fine; I have
25 great, great results with my hybrids. The drivers

1
2 are absolutely ecstatic. The public is ecstatic
3 about it. When you have a public that is ecstatic
4 and you have drivers that are ecstatic, you have a
5 fleet owner that is very, very happy.

6 I have noticed over the three
7 years, and now I have a lot of vehicles on the
8 road, that I have a lot less maintenance issues.
9 I have a lot less accident issues. You have to
10 understand. I can't testify to the fact whether
11 these cars are actually safer than the Crown
12 Victorias. I'm no engineer so I can't give you
13 engineer data but I can give you data from my
14 garage. The fact of the matter is that the
15 drivers are much happier, they're much more
16 content in these vehicles, in the Altimas, in the
17 Escapes.

18 These weren't the first generation;
19 we're three years into this right now. The For
20 Escape, the 2009, is a much different car than we
21 put on the original 2006. There was a 2006, it's
22 a wonderful car but it has many improvements. The
23 new Altima is a wonderful car [no audio]. We have
24 not had any issues with safety. If anything, I
25 can testify from my experience that I have more

safety issues with the Crown Victoria than with the hybrids.

The Crown Victoria, although I'm very grateful to it, I'm very grateful to Ford; it's the work horse of industry. It's a very difficult car to maneuver. It's an eight cylinder. It's a rear wheel drive and for most drivers it's very difficult to maneuver. It's very difficult to accelerate. It's very difficult to make turns on.

The Altimas, the Highlanders, the Escapes, those are driver friendly vehicles. They're saving \$40 a shift on gas. They're not that aggressive on driver. They're friendlier to the public. As a result, they have less wear and tear on the car and they do not have to hustle for those fairs.

The biggest number of accidents with a lot of vehicles is that you have the accidents that are going to happen. But a bunch of those accidents that happen are the ones where "the drivers are hustling". Park Avenue, where they are turning left and they can't see somebody coming in on the other side, where it's late night

1
2 and they're trying to run the light on Madison and
3 somebody's crossing on the streets. That's what's
4 happening.

5 I have a very good experience with
6 them. I have not put on a Crown Victoria in the
7 past [no audio] years, ever since we mandated
8 them. I don't plan on it. The availability of
9 the vehicles is there. Again, it wasn't there
10 from Ford that's why we went to Toyota. When I
11 was changing more and more cars, it wasn't
12 available from Toyota and Ford then we put out the
13 Altimas, the Nissans which are great.

14 We're getting more and more
15 support. We're getting more and more knowledge
16 about the vehicle. When you first mandated it
17 three years ago, and I think it was your bill
18 Chairman, I was a little bit scared. My
19 mechanics, I had bought full rubber suits for
20 them. I didn't know what it was yet. It had a
21 big battery pack in the back. They said I don't
22 know how I'm going to repair them. I thought my
23 mechanics get electrocuted.

24 I tell you what, the issues with
25 the performance and I resent the fact that these

1
2 vehicles are not [no audio]. The original 18
3 vehicles that were put on in [no audio] 2006 are
4 still on the road. They have a much better
5 passing inspection rate than the Crown Victorias,
6 still running on the original hybrid batteries.
7 They're guaranteed for 100,000 miles. They're
8 over 250,000 miles [no audio] hybrid battery. So
9 they are made for commercial use and they perform
10 well--

11 CHAIRMAN LIU: [interposing] So how
12 many years have they been running now?

13 MR. FRIEDMAN: I think the first
14 one we put on--I think you passed the bill some
15 time in late July.

16 CHAIRMAN LIU: '05.

17 MR. FRIEDMAN: I think we put the
18 first one in I '05. In October '05 was the first
19 cars that we put on.

20 CHAIRMAN LIU: So they've been
21 running for three years.

22 MR. FRIEDMAN: For three years.

23 CHAIRMAN LIU: And it has 250,000
24 miles on it?

25 MR. FRIEDMAN: Yes.

CHAIRMAN LIU: And this is all how many of them?

MR. FRIEDMAN: The original was 18.

CHAIRMAN LIU: So the original 18 are still running?

MR. FRIEDMAN: Absolutely. With the original battery packs. The gas mileage has gone down a little bit, by about a mile or two. They're not getting the classic 27, 28 miles per gallon that they're getting. We're getting 24, 25 because I guess the battery is getting a bit older but they're still running. Drivers are very happy. They're never sitting. The drivers are very happy to drive them.

CHAIRMAN LIU: I'm sorry, I didn't mean to interrupt you.

MR. FRIEDMAN: No, go ahead.

CHAIRMAN LIU: Is there anything else?

MR. FRIEDMAN: That was it.

CHAIRMAN LIU: So you like the hybrids? But you wouldn't go back?

MR. FRIEDMAN: I wouldn't go back. It was a little bit frightening to--

CHAIRMAN LIU: [interposing] You still have those rubber suits?

MR. FRIEDMAN: I think I do so if anybody is looking for them. But we've gone so far in three years. If we had this conversation three years ago, yes. But we're way passed that, we're paces away. The dealerships are equipped, the industry is equipped, the mechanics are equipped. Everybody knows how to repair them, everybody knows what to look for them. The technology as far as the hybrid technology and the technology as far as automotive moves so quickly from year to year [no audio] dramatic.

CHAIRMAN LIU: In the three years with the original 18 hybrid vehicles. Is there any accident experience?

MR. FRIEDMAN: They have accidents but I have very few major accidents. And I can't testify to whether the vehicle is safer or not but I know that the drivers that are driving them are driving [no audio]. They have bigger peripheral vision on them. They see what's to the right, they see what's to the left of them. They're not covered by the big hood. Again, when they're

1 saving money they're not driving that aggressive.

2 CHAIRMAN LIU: That's just the
3 shape of the vehicle as opposed--because it's kind
4 of like an SUV.

5 MR. FRIEDMAN: Right. Exactly. But
6 it's the same thing with the Altimas. The Altimas
7 [no audio] SUVs and I have had the personal [no
8 audio] last 2007 I have 80 or maybe 90 on the road
9 right now. I have not had a major accident on any
10 of the Altimas and that's a lot of miles.

11 CHAIRMAN LIU: Okay. Well thank
12 you very much Mr. Friedman.

13 MR. FRIEDMAN: Thank you.

14 CHAIRMAN LIU: Okay. Next we will
15 hear from two more industry officials and then we
16 will hear from a number of drivers. We have
17 Vincent Sapone and Richard Ackerman to be followed
18 by Sadir Jafur, Franklin Lamber, Gabby Shafka and
19 Malcolm Radner. Please proceed Mr. Sapone.

20 VINCENT SAPONE: Thank you Mr.
21 Chairman, City Council Members for hearing my
22 statement today. I appreciate it. My name is
23 Vincent Sapone. I'm the Managing Director of the
24 League of Mutual Taxi Owners. We have over 3,000
25

1
2 members. Approximately 85% are owner/drivers,
3 they own their own taxi, 5% are lease drivers and
4 about 3% to 5% are doves; they buy their car and
5 they rent the medallion.

6 I have a member that's aware, I
7 wish he was here today. I wish he wasn't away.
8 First let me just make a statement here. The TSA,
9 that's the Taxi Service Association, they got in
10 touch with me and mentioned that they support the
11 MTBOT and they will be sending over you their
12 statements and comments. Okay? That's the TSA of
13 Goldstein. All right.

14 Anyway, I have a member that bought
15 a Ford Escape. I have a few of them. He bought
16 it maybe three or four months ago. He's selling
17 it now and he's getting the Crown Vic before it's
18 too late. It is impossible for him to feel any
19 kind of comfort in there. He feels it's
20 impossible if he gets a side impact to get out of
21 the car. He's a bright guy. He doesn't have a
22 lot of money. Unless it was really true, this is
23 not a story by the way.

24 When he comes back, I'll grab him
25 by the hair and bring him here to talk to you.

1
2 There must be something wrong. This guy is a guy
3 that's got brains. He went out. He wanted to do
4 the right thing and he bought something green. He
5 says he can't live in it; it's impossible. He
6 works six days a week and 12 hours a day and this
7 car is completely impossible.

8 I'm here today--I get nothing out
9 of it really personally for me. If it's all Ford
10 Escapes or Ford Crown Victorias, I get nothing out
11 of it. I'm just here to tell you the truth and
12 the right thing. There are some people here that
13 are in love with Ford Escapes. Why? I don't
14 know. I can understand some drivers that like it
15 and the only reason I can really see is the
16 savings with the money. If I gave out a Crown Vic
17 and I say today you don't pay for gas but tomorrow
18 you will, but the hybrid Ford Escape, you got to
19 buy your own gas every day. I guarantee you
20 they'll probably say well give me the Crown Vic.

21 People are looking to make money
22 and save money. I don't believe there are certain
23 drivers out there that drive very cautious and
24 there are certain drivers out there that don't. I
25 don't believe a car makes them drive any better.

I think that's nonsense and it's a bunch of baloney.

If I had a choice to take a taxi, I would rather ride in a Crown Vic because if you got rear ended or side impacted by any large SUV or truck, I would rather be in a Crown Vic. From the back seat to the partition, you probably have about seven or eight inches at least or more, before you hit your head and break your nose or bust your teeth. As soon as you get hit when you're in a car, your instinct is to put up your hands. Now if you only got two inches, you're a goner. If you got eight, maybe you can save your face.

I don't know what's the answer because I happen to be on the Taxi Advisory Board for the Car of the Future, the Car of Tomorrow. And we're doing very well; we're making a safe car, we're making a car that burns decent fuel and clean and roomy for the passenger, roomy for the driver. All of a sudden the mayor came out with I want 30 miles per gallon and that seemed to go the toilet.

I'm for clean air like everybody

1
2 else is, it's just like Metropolitan is. But the
3 bottom line is let's be reasonable. We got to
4 wait, and I don't mean ten years from now. We got
5 to wait a while until we get the right car that's
6 safe for the passengers, safe for the driver,
7 roomy enough for a man who spends his life in a
8 cab six days a weeks, sometimes seven, 12 hours a
9 day. That's his office; he's got to have room to
10 move.

11 The way we're doing here is--I got
12 friends at TLC that are nice people. They're not
13 wrong; I don't dislike them. I got friends at
14 City Hall; I like them also. But you know what?
15 They have a boss and the boss says do this. And
16 for some reason someone says --that boss is the
17 Mayor naturally. Someone doesn't say well Mr.
18 Mayor let's look at it first. All they're saying
19 is okay, we'll do it. You can't do things--Go to
20 the industry with years of experience. Even if
21 you don't like their answers at least you heard
22 their stories before you say let's drive
23 matchboxes.

24 With this lady in a wheelchair
25 brought out about the sound, you can't hear a car.

1
2 I never thought of that; it's a good idea. I
3 drove hybrids. They're very quiet, you don't hear
4 them. You don't even know that they're on. So
5 that could be very dangerous also.

6 I'm not looking to pollute the air.
7 I say wait until we get the right car and I think
8 the Ford Connect is going to be the right car. It
9 doesn't get 30 miles to the gallon but it'll
10 probably get 21 so what's wrong with that? What
11 are we destroying if it's a clean burning car and
12 it gets 21 miles to the gallon or 25 at that?
13 What are we hurting? Are we bringing down an ice
14 glacier somewhere? What are we doing?

15 Anyway I think I said what I had to
16 say. The right car is not the Ford Escape or the
17 Nissan. There's a reason why people probably like
18 these cars and I don't want to say. But that's
19 not the right car. I drove a cab from 1963 up to
20 the last 80's, early 90's. My father drove a
21 1932. I know about cabs. I'm not an engineer,
22 I'm not a doctor but I know what should be a
23 taxicab. And a Ford Escape is good to go
24 shopping, to go to the church, to drive to the
25 railroad tracks to catch a train; that's fine. To

1
2 have that on the road six, seven days a week. I
3 don't know about that. Thank you.

4 CHAIRMAN LIU: Thank you. Next
5 we'll hear from a number of drivers, Sadir Jafur,
6 Franklin Lamber, Gabby Shafka and Malcolm Radner.
7 To be followed by Osmond Chowdery and Bill
8 Lindouer. I'm sorry. We thought you weren't
9 there anymore. Please proceed then.

10 RICHARD ACKERMAN: Mr. Chairman,
11 John Liu, distinguished members of the New York
12 City Council Transportation Committee,
13 distinguished guests. My name is Richard Ackerman
14 and I'm the owner/operator from Medallion
15 Maintenance, which has been managing about 80 New
16 York City yellow medallion taxicabs since 1979.
17 I'm a third generation in the New York City
18 taxicab business. My family owned 300 Medallions.
19 I've been working in this industry for 40 years
20 and I've worked in all aspects of the taxi
21 industry, including accident investigation,
22 vehicle inspection, court testing. I was a New
23 York State DMV inspector.

24 In the short term specifically over
25 the next year, I believe that the available

1
2 hybrids will present many problems to the New York
3 City taxicab industry, including but not limited
4 to safety, durability, supply shortage, difficulty
5 obtaining repairs and parts. The largest issue is
6 safety. The currently available hybrids have less
7 room between the passenger and the partition and
8 this will cause an increased number of facial
9 injuries to passengers.

10 The second major safety issue is
11 the current available hybrids have extremely poor
12 rollover rates. The SUV hybrids are especially
13 prone to rollovers. In fact, the National Highway
14 Safety Administration reports that SUVs have a
15 rollover rate that is three times that of gas
16 engine cars. Rollover accidents account for the
17 most severe injuries to passengers as well as the
18 highest rate of fatalities. Earlier we heard from
19 a representative of Ford that told you about the
20 new features that their vehicles have in them for
21 rollovers. None of that helps you once there's an
22 accident; the vehicle rolls over in spite of what
23 they put into it.

24 Another safety problem with the
25 hybrid is the crash zone. The crash zone is key

1
2 to passenger safety when an accident occurs. The
3 short of the crash zone of the hybrids will
4 increase the impact to the passengers because the
5 vehicle will absorb less of the impact from the
6 crash. Also the test statistics that are reported
7 for hybrids are misleading as they're for front
8 seat injuries only. Rear seat passenger injury
9 rates are not reported. In fact, and you've heard
10 it today from various people, there's actually no
11 data at all on rear seat passenger injury for
12 hybrids or for Ford Crown Victorias. There's no
13 national testing, there's no government testing,
14 there's no city testing.

15 Operators who've tried some of
16 these vehicles discovered that within a short
17 period of time the drivers no longer wanted to
18 drive the vehicles. Mine don't. Drivers
19 discovered that these vehicles were not reliable
20 and the promised fuel economy is extremely
21 overstated. In fact, in the summer with the air
22 conditioning on they do not get 25 miles to the
23 gallon.

24 They found that they were
25 experiencing a much greater down time and

1
2 increased fatigue. This fatigue becomes a safety
3 issue. I'm certain that if there was a safe,
4 durable and energy efficient vehicle designed to
5 meet the rigorous demands of taxicab use in New
6 York City available now, we'd all switch to them
7 willingly.

8 The Ford Transit Connect is a
9 proven, safe, durable vehicle large enough to
10 satisfy the needs of the public and the taxi
11 industry. This vehicle has been tested in Europe.
12 It's been proven safe and capable of enduring the
13 rigors of taxicab use. The vehicle gets
14 approximately 20, 21 miles to the gallon and would
15 provide the taxi industry with a viable stepping
16 stone into the hybrid technology of the future.
17 The vehicle would double the miles per gallon for
18 taxis and it still provides the needed safety and
19 comfort that the passengers desire. This vehicle
20 is going to be available in less than a year,
21 we're told next summer.

22 I suggest the city push back the
23 October 2008 deadline until there is a vehicle
24 that is safe. The city should take a more
25 realistic approach and allow the use of vehicles

that greatly improve the miles per gallon statistics for taxis.

The Ford Transit Connect can be used as an interim vehicle. This would double the miles per gallon efficiency for taxis and still maintain the needed safety for passengers and drivers. Tests have shown that tail pipe emissions for the Ford Transit Connect are half of that for the Crown Victoria. In addition, Ford has indicated that they'd be willing to convert the 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.

There was something stated earlier regarding the 70 million mile test and I take great issue with that because the early hybrid Ford Escapes that were put into service were predominantly purchased by owner/drivers. They're not fleet tested vehicles. Fleet tested vehicle goes on the road about 22 hours a day, virtually 365 days a year and has as much as four times the use as an owner operated vehicle does. The 13,000

1
2 vehicles that are operated as New York City taxis
3 do those 70 million miles in about a month. But
4 if you want to relate that to the hours of use in
5 a duty cycle, it's only a week of use. So the 70
6 million mile test that has been talked of is
7 baloney. It's not a test at all.

8 As a government official, are you
9 willing to endorse a vehicle that's going to hurt
10 a greater percentage of people? As an owner and
11 fleet manager, I'm not. Current hybrids should
12 not be permitted for New York City taxi use until
13 the issues are resolved. Keeping the current
14 schedule is going to kill people. Thank you very
15 much for your time.

16 CHAIRMAN LIU: Thank you very much
17 for that very clear testimony. Okay. So now
18 we'll hear from drivers who have a very important
19 stake in all this. Sadir Jafur, Franklin Lamber,
20 Gabby Shafka and Malcolm Radner, you're welcome to
21 come up. Why don't we also have to testify Osmond
22 Chowdery and Bill Lindauer.

23 MALCOLM RADNER: Good afternoon
24 Chairman Liu and distinguished members of New York
25 City Council Transportation Committee. My name is

1
2 Malcolm Radner. I operate a double shifted, 24/7
3 yellow taxicab fleet in Brooklyn. I have grown up
4 in the taxi business, 45 years to be exact. I
5 started my career by pumping gas, fixing taxicabs
6 and even driving taxicabs. Through a lot of hard
7 work, perseverance and many challenges I was able
8 to open up my own fleet, taxi garage. And I
9 currently operate approximately 170 medallion
10 taxicabs. This business is my life.

11 As a father of two children, the
12 youngest being my son max who is eight years old,
13 I continue to work even harder so that the
14 business will still be viable for him to take over
15 when he is of age. At his early age I have begun
16 to introduce him to what goes on at the garage.
17 Who knows? Even my 18 year old daughter, Ann, may
18 even jump in and run the business before my son.

19 Mr. Chairman and Council Members, I
20 am concerned about the current TLC mandate
21 pertaining to all taxicabs hacked up at the TLC
22 after October 1, 2008 must get 25 miles per gallon
23 and in 2009, must get 30 miles per gallon. I
24 don't think that the city realizes we are not
25 nearly ready for this yet. The hybrid vehicles

1
2 that have been approved by the TLC to be put on
3 the road after October 1 are passenger cars and
4 are not taxicabs. There is no way that they will
5 be able to stand up to the city streets seven days
6 a week, 24 hours a day. No way, no how.

7 I am a Manhattan resident. I take
8 yellow taxicabs each and every day back and forth
9 to my garage in Brooklyn. I am over six feet
10 tall, a little over middle aged and I can't get in
11 or out of them because of my size. I look at
12 people hailing taxis on the city streets and I
13 notice more and more that people passing the
14 hybrids up and looking for Crown Victorias,
15 especially older people.

16 The second thing that worries me is
17 the fact that I can fix my own, in my own garage,
18 my own cabs. That comes back to mechanical
19 difficulties, when they come back we can fix them
20 right away. I employ over 20 mechanics, some who
21 have been with me for 30 years and know how to fix
22 cars. I have even sent them to classes to fix
23 hybrids but it is not that easy to fix them. The
24 cars will sit until someone finds out what's wrong
25 with them. In other words, we sent them to school

1
2 but the school don't even know what's wrong with
3 them.

4 Now the most important issue: Are
5 they safe? No. Why? Have you ever sat inside an
6 Escape? Have you ever been able to move your
7 legs? Do you feel like your face is up against
8 the partition? Yes, it is. What happens when a
9 taxicab is forced to stop suddenly? Have we
10 considered the safety and comfort of the drivers?
11 Are they literally in a box? Anyone with
12 claustrophobia would not be able to sit in there
13 for 12 hours. Have you seen the L-shaped
14 partition that closes them in?

15 Drivers who are driving hybrids
16 from other places are coming to my garage to see
17 if they can lease a Crown Victoria. They can't
18 take sitting there. They can't take sitting in
19 the box during the summertime. They are not
20 pleased with them; they feel every bump. They
21 feel if they are hit, they have no protection.
22 Most of these cars don't have no chastities.

23 What worries me more is that in an
24 article the New York Times printed on April 27,
25 2008 entitled, Fear But No Facts on Hybrid Risks.

1
2 I'd like to read you it. I have the article
3 enclosed in this. I read this article with
4 interest because I was a driver and I always kept
5 the best interest of my drivers at heart. This
6 article said that because of the batteries and the
7 power cables in hybrid vehicles, there are
8 potential hazards of long term exposure due to
9 strong electromagnetic fields. There are studies
10 showing the risks of cancer, leukemia and other
11 threatening diseases. This can happen. Are you
12 aware of this?

13 They sit over these batteries--and
14 I left something out there. Not only the battery
15 it's sitting over. But you're fooled about people
16 telling you there's a transmission in these cars.
17 It's not a transmission, it's an electric motor.
18 They're sitting over the battery and the electric
19 motor, 12 hours a day. Is that safe?

20 Please don't dismiss the concern.
21 This article says a lot. I have a copy if you
22 have not seen it. Compromising our drivers'
23 health is another issue all by itself. I said
24 what I have to say. I'm not against the
25 initiative to go green. I support any endeavor we

1
2 make to improve our environment. I have young
3 kids but I also have approximately 700 drivers to
4 worry and be concerned about. Thank you very
5 much. Any questions?

6 CHAIRMAN LIU: Thank you very much.
7 We'll hear from the rest of the panel first. Go
8 ahead Mr. Chowdery.

9 OSMOND CHOWDERY: Good afternoon
10 everybody. My name is Osmond Chowdery. I'm a
11 member of the New York Taxi Workers Alliance. I
12 have been driving for the last 12 years. In 2005
13 I have a serious back pain before I drive the
14 Crown Victoria. Then my friend told me then
15 change your car, then you can feel better. At
16 that time I went across and I found the Ford
17 Hybrid Escape. I started to ride it in October
18 2005 and I'm driving very comfortable. I work 12
19 hours shift, I don't feel any strains. Visibility
20 is very clear. The passengers like it and they're
21 asking me what type of car is it. I said Ford
22 Escape. They said the hybrid, yeah. That they
23 like it and they're okay and that's fine.

24 Also 99 person, that time the
25 passenger like that car. Only one person, older

1
2 senior citizens and walking with a stick; they
3 don't like it, they don't like the climbing; it's
4 a problem. Also in the 12 hour shift, I report
5 the gas at times at \$20. Sometimes when the A/C
6 is running, that time is more \$5 extra. It's not
7 more additional cost. I found my statistics when
8 I'm driving.

9 After that, 2007 in December I quit
10 the hybrid because they put the L partition. When
11 I get the inspection, the Ford GPS said I had to
12 change the partition. When I wanted to put in the
13 GPS that's when they said I have to change the
14 partition. At that time I quit these things
15 because the GPS with the L partition is like a
16 boxes. I'm driving and sometime my hand touches
17 it and it scratches my hands. That's when I said
18 I don't need this car because the GPS is to help,
19 the driver's seat monitor, the taxis are boxes.
20 That's a problem, the driving, that's why I quit
21 this car.

22 And also 43,000 licensed drivers
23 and TLC head licensed, night and day shift, both
24 shifts are running. 26,000 drivers are working
25 and active. I am from Bangladesh the - - driver

1
2 in Bangladesh there are a lot of drivers driving
3 the Crown Victoria. There was serious back pain.
4 I know because I know every time my serious back
5 pain, the operators a lot of them are Crown
6 Victorias.

7 Also all the time I hear the septi
8 [phonetic] issue that New York City - - and all
9 the time the traffic is tight. All the time they
10 get in accident every time. And if they drive the
11 Ford Escape, how many accidents they have and they
12 have no room. I don't see because I have no
13 accident in many years. If you go in any highway,
14 the pulleys they are and they have to put the
15 hybrid, the router you can't go over more speedy.

16 How come they accident every time
17 they say the septi issue? The septi issue only if
18 you drive the Crown Victoria, the price sometime
19 they deliver this car is no mention, it's very
20 old, some time brake problem, some type of problem
21 going the highway. It did like a - - and we get
22 the \$50 nights of gas, how can they make money
23 that time, that type of driver; accidents, serious
24 consequences. When they drive the hybrid car I
25 only put \$20 gas shift, \$25 gas; no problem.

Problem is there.

Also if you think anybody septi
issue public and driver, that meets the driver 70
hour or 80 hour shift, living income. Then they
are more relaxed, not going to accident. They
allowed to run 7, just 365 day, no race, no less,
no competition. They keep working, keep working,
less money.

CHAIRMAN LIU: Thank you Mr.
Chowdery.

MR. CHOWDERY: You're welcome.

CHAIRMAN LIU: I'm sorry. Mr.
Lindauer

BILL LINDAUER: I'm Bill Lindauer.
I'm with the New York Taxi Workers Alliance. I
feel that drivers are prisoners of political
correctness. The Mayor wants to be known as the
environmental mayor and unfortunately he's rushing
things. And of course you can not trust anything
the TLC says or does or plans. That's based on
experience. The TLC means Telling Lies
Constantly.

This morning the TLC said that in
order for the side airbags to work on the driver's

1
2 seat that they have to have cloth seats. And this
3 is ridiculous and drivers can not have cushions,
4 they can not have back rests. In other words,
5 drivers have to drive in discomfort and it in ill
6 health could cause some safety reasons. Why can't
7 we have all three, safety, comfort and healthful
8 systems like a back rest? This is unconscionable.
9 We shouldn't rush into things when this is
10 important.

11 You can not believe the claims of
12 Ford. Remember years ago the Ford Pinto? Do you
13 remember just recently the Ford Crown Vic? The
14 back end collisions, they tried to hide that. The
15 Police Department has been victims of their own.
16 We had at least one cab driver I know got killed
17 because it burst into flames on rear end
18 collisions. So whenever people talk about safety
19 they may be hiding things. This should be an
20 independent review, maybe from the federal
21 government or some kind of highway or auto safety
22 body, something that we can trust. Certainly we
23 can not trust the TLC, we can not trust Ford or
24 any claims by manufacturers. Thank you.

25 CHAIRMAN LIU: Thank you, Bill.

1
2 I'm not actually sure you advanced your argument
3 there when you bought up the problem with the
4 Crown Vics but it's good to have you. Mr. Matt
5 Schulken please.

6 MATT SCHULKEN: Thank you. I've
7 testified before you and the Transportation
8 Committee before. I'm sure you recognize me. I
9 just wanted to add to some of the testimony that's
10 already been said. I sort of disagree with some
11 of it because number one, the Plexiglas isn't full
12 height; it's more like three-quarters. Even with
13 the sliding door of the Plexiglas open, it still
14 looks like it's three-quarters, it may be even a
15 little bit less. The Plexiglas is not three
16 inches; it's more like maybe half an inch to an
17 inch.

18 Because when I sit in a cab, even
19 with my seat belt on, with my knees forward,
20 sometimes I can even get immobilized because the
21 seat belt is preventing me a little bit from going
22 forward in a regular cab. Like in a Chevy sedan,
23 it's like that because of the actual height of the
24 actual Plexiglas. It's going towards you with
25 your knees almost up against it. I'm still in

1
2 favor of the hybrid taxi because it burns less
3 fuel. Wouldn't you like to be able to burn less
4 fuel and spend less time at the gas pump?

5 Also, one other thing Mr. Chairman
6 that I meant to mention is with the hybrid taxis,
7 Edith did say that it is quiet. That's right.
8 But the hybrid taxis go at a reduced rate of speed
9 so there's less of a chance of a rear end
10 collision. In other words, if I'm coming towards
11 you in a hybrid cab, going at let's say 50 to 60
12 miles an hour then the cab has less of a chance of
13 rear ending me if I'm sitting in another car
14 because it goes at a reduced rate of speed. And
15 this is what these taxis would do for us.

16 I'd like you to please approve this
17 new fleet of hybrid taxis as soon as possible.
18 Thank you very much.

19 CHAIRMAN LIU: Thank you Mr.
20 Schulken. Being no other witnesses for today,
21 this hearing of the City Council's Committee on
22 Transportation is adjourned.

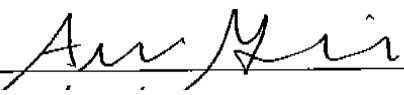
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C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature 

Date September 22, 2008