

**Testimony of Commissioner/Chair Matthew W. Daus
City Council Transportation Committee – December 4, 2008
Intro 876**

INTRODUCTION

Good Afternoon Chairman Liu and members of the Transportation Committee. Thank you for the opportunity to speak to you today about Intro 876 and its proposed changes to the Administrative Code. Council Member Yassky, as well as other Council Members, have been outspoken leaders in promoting a safe and clean taxi service. The TLC shares the Council's goals and continues working to ensure the for-hire taxi and limousine industry meets the highest standards for drivers and passengers. The TLC's strict vehicle standards, including vehicle retirement requirements, are an integral part to ensuring a safe and clean fleet of taxicabs.

The TLC is committed to Mayor Bloomberg's sustainability vision as outlined in PlaNYC. As part of PlaNYC, we have been working with the taxi industry and the City Council to develop policies and standards that help us to achieve a cleaner and more fuel-efficient for-hire transportation system available to all New Yorkers. Before commenting specifically on Intro 876, I would like to provide some background on the work of the TLC in this area.

BACKGROUND

The TLC has been at the forefront of both the use of clean vehicles and requiring the highest safety standards. Since the early 1980's, the TLC has operated its own inspection facility, which is a licensed NYSDMV facility inspecting on average 60,000

vehicles each year in compliance with New York State Department of Motor Vehicles' Safety and Emissions criteria, as well as TLC inspection standards. Every four months, each taxicab must pass over 250 component inspections that cover safety, performance, emissions and TLC standards in order to continue to operate as a TLC licensed vehicle that serves the public.

In 1996, TLC took the unprecedented step of instituting a taxicab retirement age of three years for fleet vehicles and five years for all other vehicles. Along with the retirement requirement, TLC also required that only new vehicles with less than 500 miles on the odometer are eligible to be placed into service as taxicabs. These new regulations changed what was an old vehicle fleet with an average age of over 8 years to a fleet with an average vehicle age of 2.3 years. The TLC's standards are the highest in the country and resulted in the removal of old, less efficient and dirtier vehicles from City streets while improving the safety and emissions of taxicab vehicles. Each new vehicle placed on the road must comply with the latest safety and emissions standards set by the Federal Government.

In November 2005, with guidance from the Mayor and the Council, the TLC approved specifications for the use of hybrid electric vehicles as taxicabs. Since then, more than 1,600 of these cleaner, more fuel-efficient vehicles have been placed into service. The overwhelming majority of these are hybrid vehicles being operated voluntarily on unrestricted or standard medallions.

These vehicles continue to meet and in some cases exceed the highest safety standards, and are cleaner and pass inspections at a rate comparable to or better than the standard vehicle types. To date, a conservative estimate shows these vehicles have traveled over 100 million miles, helping to reduce the City's carbon footprint, with the ultimate goal of improving air quality, reducing respiratory disease, and reducing our need for imported oil. In addition, fuel efficient cars have saved drivers millions of dollars in operating expenses because they use less gas.

In December 2007, the TLC unanimously passed rules requiring new taxis to achieve 25 miles per gallon beginning October 1, 2008. An industry group sued the City shortly before the rule was to take effect, and a federal judge issued a preliminary injunction, finding it likely that the City is preempted from setting fuel economy standards for taxis under the Federal Energy Policy and Conservation Act. Rather than appeal the ruling, the TLC has been working closely with the Mayor to create a package of financial incentives and disincentives to encourage the use of fuel efficient vehicles. The TLC is exploring raising the fee or "lease cap" drivers pay to medallion owners who purchase cleaner vehicles. The TLC is also considering lowering the lease cap on less fuel efficient vehicles so that medallion owners who choose to purchase them bear the financial burden for the higher cost of gas, not the driver. We hope that changing the lease caps will have significant impact on the medallion owners purchasing decisions while holding drivers harmless. The next step will be for the TLC to commence its public review process and develop rulemaking proposals this month at the Commission

meeting, where TLC staff and the Board of Commissioners will discuss these changes, followed by a public hearing in early 2009.

COMMENTS ON INTRO 876

Intro 876 proposes reducing the retirement age for non-hybrid or accessible vehicles to 1 ½ years for both fleet and non-fleet vehicles. The TLC is open to exploring modifications to our vehicle retirement rules to create additional incentives to increase the number of hybrid vehicles on the road, in addition to the proposed lease cap changes as announced by Mayor Bloomberg. As the Commission considers these lease cap changes, we would like the opportunity to further analyze and discuss retirement incentive options with our Board of Commissioners through TLC rulemaking prior to enacting or rendering a final opinion on this proposed legislation. It is important to weigh both proposed incentives together – as they are both related to the same goal of promoting hybrids. This review would include addressing related issues such as: whether to continue current retirement age differential between fleet and non-fleet vehicles if TLC were to retire non-hybrid vehicles sooner; and ensuring TLC inspection procedures to allow hybrid taxicabs to remain on the road longer than non-hybrid taxicabs are reasonable and appropriate.

CONCLUSION

For the reasons stated above, I would ask the Council to defer consideration of Intro 876 for the moment to allow for proper analysis of lease changes proposed by the

Mayor to first be passed and implemented. To this end, TLC welcomes the opportunity to update the Council on the impact of these changes.

Again, TLC would like to thank the leadership of the Council for working with the Bloomberg Administration to accomplish many important changes that improved the City's taxicab fleet. We look forward to working with members of the Council, such as Council Member Yassky and Chairman Liu, to build upon the progress we have made by continuing to implement progressive rules and sound policy. Thank you for the opportunity to testify, and I would be happy to answer any questions you may have.

Text of Statement of Ethan B. Gerber, on behalf of GNYTA

Good Morning Chairman Liu and members of the Counsel

My Name is Ethan Gerber. I am the Executive Director of the Greater New York Taxi Association; GNYTA is a progressive group representing approximately 1500 Medallion Taxis. We are fully vested in the advancement of clean air fuel efficient vehicles. Indeed the majority of the vehicles in our organization are either Hybrid or wheel chair accessible. I am a medallion owner myself and successfully bid in the first auction of hybrid taxi medallions. Like our group's largest member, my personal automobile is a hybrid.

Years ago, we anticipated that the future of the auto industry in general and the taxi industry in particular will be driven by fuel efficient, green technology. Our motives for investing in this technology was not mere altruism or good citizenship – it was smart business. In an age of depleting resources, where oil and gas are in the control of countries hostile to the U.S and where emissions are polluting the air our families breathe it was clear to those who looked - that automobiles, including taxis would someday soon be cleaner, greener and more efficient –We believed that it made sense to be on the forefront of that trend rather than rushing to play catch-up later on.

The decision to invest in fuel efficient clean air vehicles was not, however, without costs or without risk. The vehicles were, especially at first, difficult to acquire, expensive and costly to repair. They were also an unknown commodity. No one knew how they would hold up to the wear and tear of driving on the toughest streets in

America. Especially when compared to the tried and proven warhorse of the taxi industry, the Ford Crown Victoria. It for this reason that many other owners held back. From these owners perspective, the risks and costs outweighed the benefit of being among the first to innovate. .

We have now had some experience with these vehicles – we have found, especially during the recent exorbitant spike in gasoline prices that drivers much prefer hybrids – that they seek these cars out and prefer them over crown vics. With gas prices over \$4 per gallon drivers had to pick up many fares just to pay for the fuel in their tanks. These cars save the drivers money on each trip of each shift. Drivers lined up to drive them. Even now that the cost of gas has returned to becoming just slightly outrageous, the savings to the drivers is still significant. These savings, however, are not passed on to the owners.

The legislation before you today, seeks to encourage owners to place fuel efficient vehicles on the road. It does so, in part, by eliminating a portion of a prior legislation that on its face granted an extension to the retirement age of clean air taxis but through the mangled sausage making quality of legislation gave the TLC the power to eviscerate that incentive. To that end we applaud your efforts. The intro seeks to unnecessarily punish those who purchase a Crown Victoria. GNYTA believes that the market will punish them enough when drivers flock to others who lease hybrids. Market forces will, eventually, overwhelm them just as they have overwhelmed the shortsighted Detroit automakers. This second part of the legislation is a transparently mean spirited. It is unbecoming to

the dignity of this body to accede to the furor of an administration that eventually will get what it seeks. There is no critical need to needlessly punish individuals who make the mistake of purchasing gas guzzlers. The market will take care of that.

The original legislation that this intro seeks to change was intended as an incentive for owners to purchase hybrid taxis. 19-535 of the administrative code of the city of New York, on its face, extend the retirement age of alternate fuel vehicles from the current 3 years to 4 years. You may recall that the TLC originally opposed the legislation. As a compromise the legislation included paragraph 3 that gave the TLC broad powers to implement the Council's mandate. The TLC then used the powers in that paragraph to impose virtually insurmountable conditions to qualifying for the incentives. In short, the legislation, together with TLC rules enacted under the legislation's authority took away the extension if a vehicle failed a single TLC inspection during its extension. It should be noted that Medallion Taxis, inspected three times a year, often fail the extremely thorough TLC inspection and are given opportunities to correct whatever TLC deemed inadequate. If the purpose of the bill was to give an incentive, then paragraph 3 stripped that incentive. It seemed TLC preferred the stick to the carrot.

Today the Council on the one hand proposes to set the TLC straight on the intent of the law by removing the TLC's authority to create unreasonable conditions as obstructions to vehicle extension incentives. On the other hand the proposal also capitulates to government's penchant for using a stick to beat people into going along with ideas by reducing the time a nonclean air vehicle can be on the road to a mere 18 months. In an age where businesses across America are failing, this extremely punitive and hostile act

to New York business is extremely short sighted. Had the counsel passed true incentives the last time around, and not the transparently flawed version which took with one hand what it gave with the other – this may have been a non issue.

The era of malicious government is ending. President-Elect Obama has vowed to package bailouts of Detroit with conditions of advancing green clean air vehicles. He has not and will not punish businesses for failing to be innovative – he has vowed to reward them when they are so.

Good government awards the innovators – it doesn't punish the timid. It knows that market forces will eventually force the cautious to swim or sink with the tide.

Members of the Counsel – reconsider this intro; enact the first part which will finally give the incentives you intended to give two years ago. Do not enact the second mean spirited portion which is intended to inflict harm. You are better than that.

THE TLC IMPOSED THE FOLLOWING:

The vehicle would have to pass two of its three yearly inspections (on the first try) in the last year before it qualifies for the extension. It is automatic if it passes; the owner does not need to apply.

(b) In order for a vehicle hacked-up as a taxicab to be eligible for an extension of its retirement date as provided for in paragraphs (5) through (7) of subdivision (a) of this section, the vehicle must pass at least two of the inspections, not including reinsertions, conducted at the Commissions inspection facility pursuant to section 19-504 of the New York City Administrative Code during the twelve-month period immediately preceding the time at which such vehicle would otherwise be required to be retired pursuant to subdivision (a) of this section, and such vehicle must pass all inspections conducted at the Commissions inspection facility pursuant to section 19-504 of such Code after the time at which such vehicle would otherwise be required to be retired pursuant to subdivision (a)

of this section. A vehicle which is granted an extension and later fails an inspection conducted at the Commissions inspection facility must be retired and replaced no later than the next scheduled inspection.

TAXI RETIREMENT

SUMMARY OF TLC RETIREMENT EXTENSIONS FOR LEVEL 1 CLEAN AIR, LEVEL 2 CLEAN AIR, AND WHEELCHAIR ACCESSIBLE TAXIS. TLC Rule §3-02 Vehicle Retirement.

TAXIS THAT DO NOT HAVE AT LEAST ONE "LONG TERM DRIVER" AND THAT DO NOT QUALIFY FOR EXTENSIONS MUST BE RETIRED AFTER 36 MONTHS (3 YEARS).

TAXIS WITH AT LEAST ONE "LONG TERM DRIVER" AND THAT DO NOT QUALIFY FOR EXTENSIONS MUST BE RETIRED AFTER 60 MONTHS (5 YEARS).

A LEVEL 1 CLEAN AIR TAXI, LEVEL 2 CLEAN AIR TAXI OR WHEELCHAIR ACCESSIBLE TAXI THAT OTHERWISE WOULD HAVE TO BE RETIRED AFTER 36 MONTHS IS EXTENDED BY 12 MONTHS. [TOTAL 48 MONTHS (4 YEARS).]

A LEVEL 1 CLEAN AIR TAXI OR WHEELCHAIR ACCESSIBLE TAXI THAT OTHERWISE WOULD HAVE TO BE RETIRED AFTER 60 MONTHS IS EXTENDED BY 24 MONTHS. [TOTAL 84 MONTHS (7 YEARS).]

A LEVEL 2 CLEAN AIR TAXI THAT WOULD OTHERWISE HAVE TO BE RETIRED IN 60 MONTHS IS EXTENDED BY 12 MONTHS [TOTAL 72 MONTHS (6 YEARS).]

HOWEVER, REGARDLESS OF THE ABOVE, A VEHICLE MUST NOT FAIL ANY INSPECTION WITHOUT OPPORTUNITY FOR REINSPECTION AFTER REPAIR WITHIN 12 MONTHS PRECEDING THE EXTENSION OR DURING THE EXTENSION PERIOD. IN OTHER WORDS, IF A TAXI FAILS FOR A COSMETIC ITEM, OR A BAD TIRE IN THE 12 MONTHS PRECEDING THE EXTENSION OR DURING THE EXTENSION, EVEN IF THE DENT IS FIXED OR THE TIRES REPLACED, THE CAR LOSES THE EXTENSION. TLC Rule §3-02(b).

TLC INSPECTIONS GO FAR BEYOND DMV SAFETY AND EMISSIONS REQUIREMENTS AND ARE FAR MORE RIGOROUS .

§3-03.3 Clean Air Taxicab Specifications.

As used in this chapter, the term "clean air taxicab" shall mean any vehicle that is

either a level one or a level two clean air taxicab, as follows:

- (a) "Level one clean air taxicab" shall mean any vehicle approved for use by the Commission as a taxicab that receives an air pollution score of 9.5 or higher from the United States Environmental Protection Agency ("EPA") or its successor agency and is estimated to emit 5.0 tons or less of equivalent carbon dioxide per year by the United States Department of Energy ("DOE") or its successor agency; provided that such vehicle is powered by the fuel for which such vehicle meets the above-specified standards.
- (b) "Level two clean air taxicab" shall mean any vehicle approved for use by the Commission as a taxicab that receives an air pollution score of 9.0 or higher from the EPA or its successor agency and is estimated to emit 6.4 tons or less of equivalent carbon dioxide per year by the DOE or its successor agency and that does not meet the definition of a level one clean air taxicab; provided that such vehicle is powered by the fuel for which such vehicle meets the above-specified standards.



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President: Ronald Sherman

**Testimony of Ron Sherman, President of the Metropolitan Taxicab Board of Trade
Before the New York City Council Transportation Committee
December 4, 2008**

Re: Intro 876 and Oversight on Hybrid Taxi Issue

Good morning Chairman Liu and distinguished Council Members. I'm Ron Sherman, President of the Metropolitan Taxicab Board of Trade, which represents 28 yellow taxi fleets and approximately 3,500 medallion taxicabs as well as thousands of drivers, mechanics and others who rely on the 24/7 yellow taxi business.

We strongly support a green taxi fleet. Nobody has done more to push automakers to build a green, purpose-built taxi than MTBOT and our colleagues. The issue has never been about whether or not to go green. The issue has been about when we can go green - without compromising safety, comfort and service. The issue has never even been about whether hybrid technology is right for the taxi industry. One day it may be. Our concern is that none of today's small hybrids provide enough rear occupant space to safely transport passengers, when outfitted with partitions, and none of today's hybrids were designed to be 24/7 commercial taxicabs. These findings were presented in engineer Bruce Gambardella's hybrid taxi safety report that was distributed to this Committee in September.

We agreed with the spirit of the Mayor's well-thought-out PlaNYC proposal that would begin greening the fleet in 2012, allowing time for safe, purpose-built green taxis to replace existing ones. We later agreed that based on assurances from the auto industry we could start that process three years earlier - in 2009. But the City insisted on an accelerated 2008 plan.

Recently we brought a successful federal lawsuit against the City, stopping the mandate, because we could not sit idle and watch what we knew would be a disastrous policy. Engineers, automotive safety experts and even automakers themselves confirmed that non-commercial hybrid passenger cars and rollover-prone hybrid SUVs were unfit for rigorous 24/7 taxi use.

We were supported in our lawsuit by the previous two TLC Commissioners, who called the mandate ill-conceived. Every driver group - whose members stood to directly benefit from gas savings - opposed the mandate. All of the major taxi associations opposed the mandate. And owners of more than 200 hybrid taxis - who stood to financially benefit from a hybrid mandate due to the increase in the value of their alternative-fuel restricted medallions - opposed the mandate. These owners cited poor performance, high operating costs and limited availability, among other issues.

We remain hopeful that together, with the City, we can move forward as an industry and finally provide taxi passengers with the greenest, safest, most comfortable and most accessible purpose-built taxicabs. But the punitive measures recently announced by City Hall are counterproductive to this goal. Intro 876 is one of these measures. A detailed analysis of this bill has been provided to the Committee.

In 2005, Councilman Yassky proposed a similar bill - Intro 734. It was opposed by the TLC and the taxi industry - and did not pass. Now, after a court ruling that held that only the federal government can set environmental standards for privately owned taxicabs, the bill attempts to circumvent that ruling by setting the same standards through rewards and excessive punishments that will coerce taxicabs owners to purchase hybrids. This will not withstand legal challenge. More importantly, though, by reducing the retirement cycle of vehicles of Crown Victorias and other vehicles from 3 years to an impossible 18 months, this bill places environmental standards above safety standards. In an industry that moves 241 million human lives every year, safety must always be the highest priority.

Let's take the greenest car on the road – the Toyota Prius, which is an approved taxicab. Toyota, the largest manufacturer of hybrids in the world, has publicly warned against using the Prius or any of its hybrids as New York City taxicabs because they are not intended for commercial use. And, like all hybrids, the Prius has never been crash tested with the bullet-proof TLC-mandated partition. Yet, owners of the purpose-built Crown Victoria, with across the board 5-star safety ratings and a proven track record as a safe New York City taxicab, would be punished for choosing the safer, manufacturer-supported vehicle. That does not make sense.

According to Intro 876, any hybrid-electric taxicab – even a Saturn Vue Hybrid which has an EPA rating of 6 – would get a full retirement cycle. But most gasoline powered vehicles like the Toyota Sienna which also has an EPA rating of 6 – would have its retirement cycle cut in half.

We do not believe the Crown Victoria will be around forever – nor should it. But hybrid taxicabs are not, at least currently, the answer. We should concentrate on developing the next generation of safe, comfortable, purpose-built, green taxis. We are pleased to report that, despite the current economic turmoil, Ford is still planning to roll out its highly anticipated purpose-built, fuel efficient, ultra-clean emissions Transit Connect to the New York City taxi market this summer and has committed to improving its fuel efficiency and emissions in future model years.

In the meantime, it is wrong to punish taxi owners who are committed to driver and passenger safety. MTBOT opposes Intro 876, as well as any attempts to arbitrarily punish owners who choose to operate safe proven vehicles.

President: Ronald Sherman

ANALYSIS OF INTRO. NO. 876

Prepared for the City Council by the Metropolitan Taxicab Board of Trade
December 4, 2008

Introduction

The purpose of this analysis is to review the provisions of Intro No. 876 of 2008, which is under consideration by the New York City Council. This bill would amend the Administrative Code of the City of New York by repealing section 19-535(b), and creating a new section 19-537. The repealed section provided for vehicle retirement extensions for accessible and "Level I" and "Level II" clean air vehicles. (The terms "Level I" and "Level II" clean air vehicles are defined in 19-535(a) of the Administrative Code.) The proposed new Administrative Code section 19-537 would reduce to eighteen (18) months the permitted life of any taxicab that does not meet the definition of either a: (i) hybrid-electric taxicab, (ii) CNG taxicab, (iii) Level I clean air taxicab, (iv) Level II clean air taxicab, or (v) wheelchair accessible taxicab.

Definitions

Intro No. 876 of 2008

Under this Intro, in order to qualify for a vehicle retirement period greater than eighteen (18) months, a taxicab must fit into one of the following five categories:

- (a) *Any hybrid-electric taxicab approved by the TLC for use as a taxicab, irrespective of EPA air pollution score or carbon dioxide emissions;*
- (b) *A vehicle dedicated to operate on compressed natural gas no later than six-months after hack-up;*

- (c) *A wheelchair accessible taxicab. For the purpose of this section, a wheelchair accessible cab must be “designed to be able to transport persons in wheelchairs” or be a vehicle “containing any physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs.”*
- (d) *A level I clean air taxicab, which is a vehicle that achieves as “EPA air pollution score of 9.5 or higher and is estimated to emit 5.0 tons of carbon dioxide or less per year.” (emphasis added)*
- (e) *A level II clean air taxicab, which is a vehicle that achieves as “EPA air pollution score of 9.0 or higher and is estimated to emit 6.4 tons of carbon dioxide or less per year.” (emphasis added)*

Each of these definitions was created by the City Council. The terms used by the Council in this legislation are presently not recognized by the EPA or other Federal or State agency.

Council Member Yassky’s Previous Bill: Intro. No. 734 of 2005

The Bill presently before the Council differs significantly from the prior Intro on this subject. Intro. No. 734 of 2005, also sponsored by Council Member Yassky, placed all vehicles, except for CNG-powered vehicles, into three classifications based primarily upon gas mileage.¹ CNG vehicles and any hybrid achieving at least 45 mpg were given the longest vehicle retirement period; any hybrid achieving between 29 and 44 mpg was given a standard vehicle retirement life; and all other vehicles were given an eighteen or thirty month vehicle retirement cycle.² In summary, hybrids and CNG vehicles were given an incentive for higher gas mileage in the form of a longer vehicle life. All vehicles that were not hybrid or CNG vehicles were given a disincentive in the form of a shorter vehicle retirement life, irrespective of the vehicle’s fuel economy. Intro. No. 734 also had a “savings clause,” the bill provided that if one part of the law were

¹ The published “City” mileage rate from the federal government was used to determine vehicle mileage rates.

² Double shifted vehicles without at least one “long-term” driver were given eighteen months; all other such vehicles were given thirty (30) months.

subsequently declared unconstitutional, the remainder of the bill would remain in full force.

A review of the Council's report accompanying the Bill³ shows that the primary purpose of this legislation was to reduce emissions and gasoline expenditures through encouraging the use of hybrid-electric and CNG vehicles. The Report noted that CNG vehicles achieve some of the desired results; however, the infrastructure was lacking and the vehicles were smaller. At the time of the Report, the TLC had already approved six hybrid vehicles in response to a prior local law requiring the TLC to approve "one or more vehicles." The Bill used the vehicle retirement mechanism to provide an incentive or disincentive with respect to an owner's choice of vehicle based on fuel economy. The vehicle retirement provisions, created by the TLC in 1996, were established for the purpose of promoting vehicle safety and owner responsibility with respect to vehicle maintenance.

Intro. No. 834: Vehicles Exempt from the Eighteen Month Vehicle Retirement

Unlike the previous bills, which contained both incentives and disincentives, this bill only contains disincentives. A vehicle that does not fit into one of the five "exemptions" is given an eighteen (18) month vehicle retirement period, which is one-half the shortest period presently permitted by TLC rules. This arbitrary reduction in the retirement period has no relation to the vehicle safety standards previously adopted by the TLC.

One exemption is identical to the exemption provided in the prior bill: the exemption for a vehicle powered by CNG, or converted to CNG within six-months after hack-up. Since the bill specifically permits conversion after hack-up, after-market conversions are acceptable. The bill also does not define "CNG" vehicles (it defines all

³ Intro. No. 734 of 2005, Report of the Infrastructure Division, November 14, 2005.

other vehicle classifications, or references another section that defines them). It also does not specifically state that the vehicle must be subject to prior TLC approval.

A second exemption exists for “wheelchair accessible taxicabs”. Proposed Administrative Code Section 19-537 would require that a vehicle be “designed to transport passengers in wheelchairs” and be approved by the Commission “for use as a taxicab”⁴ to qualify for this exemption.

A third exemption exists for any approved “hybrid-electric” taxicab, irrespective of EPA pollution score, gasoline mileage, or carbon dioxide emissions.

The fourth and fifth exemptions relate to non-hybrid, non-CNG vehicles that achieve an EPA score of at least 9 and emit less than 6.4 tons of carbon dioxide per year.⁵

EPA Ratings of Clean Air Vehicles

It is worth taking a look at the standards that make up the class I and class II vehicles, the EPA air pollution score and the annual greenhouse gas emissions.

EPA Air Pollution Score

The EPA assigns an air pollution score to most vehicles. This score can be used by consumers to compare emission standards for a set of four pollutants: nitrogen oxide, carbon monoxide, volatile organic compounds, and particulate matter.⁶ The Air Pollution Score combines the specific limits for each of these four pollutants, and produces a composite number that can be used to compare vehicles with other vehicles of the same model year. A vehicle is given a score from “0” [most polluting] to “10” [cleanest].⁷

⁴ Not necessarily for use as an “accessible” taxicab.

⁵ Intro. No. 834 makes no distinction between the so-called “Level I” and “Level II” clean air vehicles.

⁶ Automobile manufacturers are required to measure emissions and meet certain federal standards, in the aggregate, for these four types of emissions. In addition, California has been permitted by the United States government to adopt more stringent standards.

⁷ A rating of “10” is reserved for a “zero-emissions” vehicle.

Many vehicles have two air pollution scores. One is based upon national pollution standards; the other is based upon California standards. A vehicle can be sold in California only if it meets the California standard. The California rating is also recognized in some northeast states, including New York. However, vehicles not meeting the California standard may still be sold in the northeast. Although the scores may be different, the vehicles may in fact be identical. For example, the Ford Escape Hybrid achieves an air pollution score of 9.5 under the “California” EPA Air Pollution Score, and a score of 8.0 under the U.S. standard. However, the two vehicles are identical, and emit the same pollutants (i.e., there is no “California” Ford Escape Model).⁸ According to the United States EPA, “California standards are generally more stringent than EPA standards due to the unique air quality problems in that state, so this can result in a higher Air Pollution Score for the California version. This does not necessarily mean that the vehicle sold in the rest of the U.S. is ‘dirtier.’ In general, if the Underhood Label ID is the same, the vehicle design will be the same as well, meaning the vehicle has been designed to comply with both sets of standards, so that in reality, the emissions will be at the same level of the more stringent of the two standards (California or EPA).”⁹

Other Hybrids that have been approved by the TLC have ratings as low as a “6” (e.g., Saturn Vue). Most have score below the levels required to achieve Level I or Level II status. All of this is irrelevant under the Intro. No. 834 since a hybrid qualifies for the exemption, irrespective of whether it meets the Level I or Level II standards.

At Present, the Ford Crown Victoria is “unrated” and does not have an EPA air pollution score, according to current EPA data. The Toyota Siena, previously approved by the TLC, received a “6” rating nationally, and a “7” California rating.

Greenhouse Gas Emissions

⁸ The EPA identifies these vehicles by a unique “underhood label ID”

⁹ See <http://www.epa.gov/greenvehicles/Faq>.

Intro. No. 834 sets “greenhouse gas emissions” levels based on a sample EPA matrix combining annual mileage and city/highway driving which is used to compare vehicles. Unlike the EPA air pollution score, the greenhouse emissions number is an estimate that is affected both by the number of miles driven and the composition of city/highway driving.¹⁰ This matrix used by the EPA in its publications assumes that a vehicle is operated 15,000 miles per year, with 55% city driving and 45% highway driving. Using this matrix, the TLC-approved Ford Escape Hybrid receives a rating of 5.8, which would qualify it as a “Tier II Clean Air Vehicle”. The Crown Victoria “Gas” receives a rating of 9.6, and the E-85, a rating of 7.90. These figures are not all that relevant for analyzing actual greenhouse gas emissions by taxicabs since the mileage and driving matrix does not reflect actual taxicab use, and emissions are in fact based upon actual mileage driven. Neither Intro. No. 834, nor Administrative Code Section 19-534, as previously enacted, accurately establish standards for actual greenhouse gas emissions expected in taxicabs. Indeed, no vehicle on the roads today in use as a taxicab comes close to meeting the greenhouse gas emissions requirements if an analysis of actual taxicab mileage is used. To qualify for this exception to the eighteen (18) month vehicle retirement, a vehicle must comply with *both* the EPA air pollution score and the greenhouse gas emissions levels.

Level I or Level II Clean Air Hybrids

There are only two “Level I clean air” hybrids. The only hybrids that meet the 5.0-ton greenhouse gas emissions standards are the Toyota Prius and the Honda Civic, both of which achieve a 9.5 EPA (California/northeast) Air Pollution Score, but only an 8 or 9 national EPA score. The Ford Escape qualifies as a Level II clean air vehicle, based on a 5.7-ton greenhouse gas emissions level, and a 9.5 California/Northeast Air Pollution Score. However, none of the other vehicles approved by the TLC meet both the EPA air pollution score and the carbon dioxide standards required to meet these standards.

¹⁰ The EPA website permits one to calculate individual greenhouse emissions by entering annual mileage, the composition of city/highway driving, and the vehicle model.

Hybrids may not be *per se* cleaner than the Crown Victoria. There are many hybrids that have greenhouse gas emissions levels and EPA pollution scores that are no better than the non-hybrid Crown Victoria and the Toyota Sienna, approved or previously approved by the TLC. Some of the TLC-approved hybrids, such as the Saturn Vue, Saturn Aura, and Chevy Malibu, receive only marginally better ratings.

Prepared by Peter M. Mazer, Esq.
General Counsel
Metropolitan Taxicab Board of Trade

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/04/08

(PLEASE PRINT)
Name: FRANCES LOUGHLIN

Address: _____

I represent: L0MTO

Address: 577 9th AVE NY 10036

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Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Ethan Gerber

Address: 26 Court St., 1405, Bklyn N.Y.

I represent: Greater N.Y. Taxi Association

same

**THE COUNCIL
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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12-4-08

(PLEASE PRINT)
Name: Bhairavi Desai

Address: _____

I represent: NEW YORK TAXI WORKERS ALLIANCE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/04/08

(PLEASE PRINT)
Name: CLIFF ADLER

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12-4-08

(PLEASE PRINT)
Name: Victor Salazar

Address: _____

I represent: _____

NEW YORK TAXI WORKERS ALLIANCE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12-4-08

(PLEASE PRINT)
Name: BILL LINDAUER

Address: _____

I represent: _____

Address: _____

NEW YORK TAXI WORKERS ALLIANCE

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12-4-08

(PLEASE PRINT)

Name: OSMAN Choudhury

Address: _____

I represent: NY TAXI WORKERS ALLIANCE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERHAN TUNCEL

Address: 226 East 83rd St #44 N.Y., N.Y. 10028

I represent: LOMTO

Address: 577 9th L N.Y. N.Y. 10036

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 876

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ronald Sherman

Address: _____

I represent: Metropolitan Taxicab Board of Trade

Address: 24-16 Queens Plaza South

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Beresford SIMMONS

Address: 30 E 28 ST

I represent: TWA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Peter Scherzman

Address: Asst. Commissioner for Safety + Emissions

I represent: NYC Taxi + Limousine Union

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Charles Frasier

Address: General Counsel

I represent: NYC Taxi + Limousine Union

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Salkin

Address: First Deputy Commissioner

I represent: NYC Taxi & Limousine Comm.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Matthew Daly

Address: Chairman / Commissioner

I represent: NYC Taxi & Limousine Comm.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/09/08

(PLEASE PRINT)

Name: VINCENT SAPIONE

Address: _____

I represent: LOMTO

Address: 577 9TH AVE NY 10036

Please complete this card and return to the Sergeant-at-Arms