



# NEW YORK CITY TAXI & LIMOUSINE COMMISSION

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## TLC NEWS | TESTIMONY

### Testimony Before the City Council Transportation Committee Re: Intro. No. 642-A Thursday, June 16, 2005 – 10:30 AM

**Matthew W. Daus**  
**Commissioner/Chair**  
**New York City Taxi and Limousine Commission**

Good morning Chairman Liu, Council Member Yassky and members of the Transportation Committee. My name is Matthew Daus and I am the Commissioner and Chair of the New York City Taxi and Limousine Commission. Thank you for the opportunity to appear before you today to present testimony regarding Intro 642-A. As you know, we only received a copy of the revised legislation yesterday afternoon and my comments today are based on our preliminary review. The Administration will carefully review the bill and keep the Council informed if we have additional comments to share.

The TLC is the City agency responsible for setting standards for for-hire-vehicles in New York City, including yellow medallion taxicabs. For the agency staff and its Board of Commissioners, the primary goal is to ensure that the riding public has access to safe, reliable, and comfortable service. To that end, the Board has adopted vehicle specifications for taxicabs, which focus on safety, functionality and comfort. Some notable provisions of these specifications include rear-passenger controlled air conditioning, a protective partition, as well as enhanced legroom and headroom requirements. These specifications were enacted by the Commission pursuant to public rulemaking procedures in accordance with the City's Administrative Procedure Act (C.A.P.A.), and involved input from the general public as well as the taxi industry. The Commission may authorize pilot programs to test new vehicles as taxicabs in limited numbers and for limited periods of time.

The TLC is eager to explore the possibility of adding new alternative fuel vehicles, especially hybrids, to the fleet. Our staff has been in touch with various automobile manufacturers including General Motors and Toyota - the maker of the hybrid Prius and Highlander. We also have a long-standing working relationship with Ford, maker of the Crown Victoria and the hybrid Escape. Based on a preliminary staff review of the available hybrid vehicles on the United States market today, there do not appear to be any that meet the taxicab vehicle specifications previously enacted by the Board of Commissioners.

In order to address the clear public interest in using hybrid vehicles as yellow taxicabs, the agency feels that it would be appropriate to test them on a limited basis. This would provide the riding public, the taxi industry and the Board of Commissioners with an opportunity to evaluate such vehicles as taxicabs operated 24 hours per day, 7 days per week (24/7) on streets of New York City. While hybrid technology has become very popular in the consumer market, it is still relatively new and vehicles remain in the development stage with manufacturers, such that many modifications are expected to be made in the coming years.

We remain committed to the Council's mandate for the City to offer for sale 81 medallions dedicated for use with alternative fuel vehicles. And we expect that a test of hybrid vehicles will lead to the approval by our Board of Commissioners of alternative fuel vehicles to enable the next medallion sale to be successful.

In order to move towards testing such vehicles, the Board of Commissioners plans to discuss this issue at the next public Commission meeting, scheduled for Monday, June 20. Council Member Yassky has already agreed to attend on behalf of the Council to discuss this issue with our Board, and I look forward to working with him, Chairman Liu and the members of the Council Transportation Committee. I anticipate discussion with the Commissioners about the value of allowing new hybrid vehicles to be tested, versus any possible costs in terms of passenger comfort. I will then seek Commission approval for a pilot program to test a limited number of appropriate hybrid vehicles as taxicabs.

With regard to Intro. 642-A, I would like to first note that while we agree with the goals and intent of the Council in proposing this law, we also respectfully disagree on how to best accomplish these goals. The public policy challenge here is to find the appropriate balance between providing for cleaner air and more fuel efficient vehicles while also preserving the advances made in the area of passenger comfort. I believe that working together, these goals can be achieved. We are concerned that the proposed legislation could put the TLC in the position of authorizing vehicles for use as taxis that have not been properly tested.

Intro. 642-A would require the automatic approval of vehicles without the benefit of the TLC's experimental vehicle review and testing process. I would recommend that the Commission approve a pilot program process for testing these taxicabs to ensure safety, roadworthiness and to receive feedback from the riding public on these new vehicles. This process would involve the collection and analysis of inspection data, passenger feedback and maintenance records. A successful pilot program is the first step in obtaining approval for new vehicles as taxicabs and could lead to modifications by manufacturers where issues surface during the testing phase. The pilot program protocol builds confidence with the industry, manufacturers, the riding public and ultimately the Commission before committing to substantial investments in new vehicles.

The proposed legislation mandates that the TLC take action to approve a vehicle within 30 days. While I believe we can agree that it is our mutual desire to accomplish our goals as soon as possible, the 30 day time frame is neither practical nor legal in our view. The rulemaking process set forth in the New York City Charter requires the Commission to publish proposed rules a minimum of 30 days prior to a public hearing, and also restricts legal effectiveness or implementation until an additional 30 days after publication of the final rules approved by the Commission. Furthermore, it is our considered viewpoint that a pilot program should precede any final approval of vehicles - which could not possibly be concluded within 30 days. Despite our mutual intention to move forward as expeditiously as possible, placing unrealistic time restrictions in Local Law upon a matter which is not entirely within the control or jurisdiction of City government is problematic and inconsistent with longstanding TLC regulations and procedures. The TLC's taxicab specifications require a process for vehicle approval involving a sponsor (such as a vehicle manufacturer) to meet certain requirements. The TLC does not possess the legal authority under the City Charter to compel manufacturers to submit vehicles for approval, or to otherwise manufacture them according to our requests. We should continue to partner with manufacturers and the industry - as we have successfully done in the past with Ford and the production of the stretch Crown Victoria - rather than impose a mandate.

In sum, the TLC opposes the passage of Intro. 642-A for the foregoing reasons, and recommends that the Council work closely with the TLC's Board of Commissioners and myself to authorize a pilot program to test appropriate alternative fuel vehicles prior to the next medallion sale.

Thank you for your time and I would now be happy to answer any questions you may have.

