



December 23, 2019

Director Tina Paez
Administration and Regulatory Affairs Department
611 Walker, 13th Floor
Houston, TX 77002

Taxis with Open Recalls Should Not Pass an ARA Inspection

Dear Director Paez:

The Center for Auto Safety (Center) is writing today to urge the Administration and Regulatory Affairs Department (ARA) to prohibit vehicles with unrepaired federal safety recalls in your jurisdiction from carrying passengers. Taxis with open recalls endanger not only drivers and passengers but also other road users, pedestrians, and cyclists. Vehicles are only recalled when there is a safety defect or a violation of a federal regulation. Recalls are never undertaken for cosmetic reasons, yet potentially thousands of Houston residents and visitors are unknowingly exposed every day to these deadly risks. Taxis are regulated by your Department, and consumers presume that your oversight protects them from the safety risk of recalled vehicles.

The Center, the nation's premier independent, non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy, makes this request on behalf of our members and all drivers, passengers, and pedestrians who live in, or visit, Houston. ARA could easily address the unnecessary risk faced by consumers by requiring a check against the federal recall database at each ARA inspection and at least annually. Anything less than such a requirement is willful neglect when it comes to the safety of your drivers and passengers.

We urge ARA to immediately take regulatory and enforcement steps to require all recalls be fixed prior to accepting passengers. To determine whether a vehicle has open recalls is as simple as running its vehicle identification number (VIN) against the National Highway Traffic Safety Administration's (NHTSA) recall database at www.safercar.gov. Under Houston Code of Ordinances Section 46-37, "If [an ARA] inspection reveals that a vehicle is not in a reasonably good operating condition, from the standpoint of the safety, health, and comfort of passengers, the director shall order the taxicab out of service until remedial repairs and corrections have been made Inspections shall include, but not be limited to, . . . vehicle identification number; . . . safety" We believe you already have the authority to determine that because a recalled vehicle negatively affects the health and safety of the unsuspecting passengers, owners with a recalled vehicle must either fix the recalls or remove their vehicle from service.

We also recommend the recall-free requirement be made explicit and prominent on ARA's website and other safety materials. Such a requirement is something ARA should be promoting,

because maintaining a taxi fleet free from open recalls is a safety feature that attracts customers. Further, such a requirement could help the taxi industry stay competitive with rideshare companies such as Uber and Lyft, neither of which requires their vehicles to be repaired when under recall, a safety lapse which continues to place their drivers, customers, and everyone on the road at risk.

Today, there are over 70 million cars with open recalls across the country, including vehicles with exploding Takata airbags causing at least 24 deaths and General Motors vehicles with faulty ignition switches causing at least 124 deaths. Among Seattle, New York City, Tampa, and Houston, one in three taxis has open recalls.¹

In conclusion, taxis with open recalls pose a serious safety risk for everyone in Houston. Because taxi owners may be resistant to removing vehicles out of service due to potential lost income while the vehicles are being repaired, it is the statutory and moral responsibility of ARA to direct these repairs be made for everyone's safety. The Center for Auto Safety urges you to take decisive actions and require Houston taxis to not be on the road with open recalls.

Thank you for your attention to this important matter,

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Levine". The signature is fluid and cursive, with a large loop at the end of the last name.

Jason Levine
Executive Director
Center for Auto Safety

¹ Danielle Leigh, *Could Your Next Cab, Uber, or Lyft be Unsafe?*, THV11 (Nov. 24, 2016), <https://www.thv11.com/article/news/investigations/could-your-next-cab-uber-or-lyft-be-unsafe/354771686>. See also Ryan Felton, *1 in 6 Uber and Lyft Cars Have Open Safety Recalls, Consumer Reports' Study Suggests*, CONSUMER REP. (Aug. 16, 2019), <https://www.consumerreports.org/ride-hailing/uber-and-lyft-cars-have-open-safety-recalls/> (finding that almost one in four New York City taxis has open recalls, based on a review of 32,000 VINs); Whitney Wild, *1 in 6 DC Taxis Have Open Recalls and Warnings are Regularly Ignored*, WUSA9 (May 9, 2018), <https://www.wusa9.com/article/news/local/dc/1-in-6-dc-taxis-have-open-recalls-and-warnings-are-regularly-ignored/65-548809101> (finding that one in six DC taxis has open recalls, based on a review of 5,400 VINs).