



December 23, 2019

Commissioner Bill Heinzen
The Taxi and Limousine Commission
33 Beaver Street
New York, NY 10004

Taxis with Open Recalls Should Not Pass a TLC Inspection

Dear Commissioner Heinzen:

The Center for Auto Safety (Center) is writing today to urge the Taxi and Limousine Commission (TLC) 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 New York City residents and visitors are unknowingly exposed every day to these deadly risks. Taxis are regulated by your Commission, 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, New York City. The TLC could easily address the unnecessary risk faced by consumers by requiring a check against the federal recall database at each tri-annual TLC inspection. Anything less than such a requirement is willful neglect when it comes to the safety of your drivers and passengers.

We urge the TLC 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 TLC Rules § 58-30(b), "An owner must comply with all notices and directives to correct defects in Taxicabs." We believe the TLC already has the authority to determine that a recalled vehicle is "unsafe or unfit for use as a Taxicab" and to direct owners with a recalled vehicle to either fix the recalls or remove their vehicle from service.¹ Although the New York state legislature is considering a bill that requires official inspection stations to look for and advise vehicles owners of open recalls,² because passengers in taxis are not the vehicle owners and because they will never receive this

¹ See TLC Rules § 58-30(c) ("An Owner must repair or replace a Taxicab when the Commission determines that the vehicle is unsafe or unfit for use as a Taxicab and directs the Owner to remove it from service.").

² See 2019 NY Assembly Bill A4384 (in Assembly Committee); 2015 NY Senate Bill S4296B (passed Senate).

notification, such notification alone is inadequate. To make New York City taxis safe for all, fixing recalled taxis must be required before they put unsuspecting passengers' lives at risk.

We also recommend the recall-free requirement be made explicit and prominent on the TLC's website and other safety materials. Such a requirement is something the TLC 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. As for New York City taxis, Consumer Reports recently reviewed more than 32,000 VINs affiliated with traditional (not operated by transportation network companies) for-hire vehicles in New York City and found the open recall rate to be 23.6%.³ In other words, almost one in four New York City taxis has open recalls.

In conclusion, taxis with open recalls pose a serious safety risk for everyone in New York City. 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 the TLC to direct these repairs be made for everyone's safety. The Center for Auto Safety urges the TLC to take decisive actions and require New York City 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

³ 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/>.