



December 23, 2019

Director Christopher Koermer
Transportation Division
William Donald Schaefer Tower
6 St. Paul St., 16th Floor
Baltimore, MD 21202

Taxis with Open Recalls Should Not Pass a PSC Inspection

Dear Director Koermer:

The Center for Auto Safety (Center) is writing today to urge the Public Service Commission (PSC) 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 Baltimore residents and visitors are unknowingly exposed every day to these deadly risks. Taxis are regulated by your Division, 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, Baltimore. The PSC could easily address the unnecessary risk faced by consumers by requiring an annual check against the federal recall database when taxi owners renew their license to operate. Anything less than such a requirement is willful neglect when it comes to the safety of your drivers and passengers.

We urge the PSC 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 the Code of Maryland Regulations Section 20.90.02.16, "All taxicabs operating under the Public Service Commission's permits shall at all times be kept in proper physical and mechanical condition to render safe, adequate, and convenient public service in accordance with Maryland Law," and "At the discretion of the Public Service Commission, an owner of a motor vehicle shall present the motor vehicle for inspection by a Commission representative [of] the vehicle, vehicle equipment, or records of the carrier. . . . A representative of the Public Service Commission, after inspection and a determination that a motor vehicle does not comply with the requirements of this chapter, may require: (a) The repair or replacement of the motor vehicle; (b) That the motor vehicle be

removed from service pending the repair or replacement; or (c) That an owner of a taxicab, which has been removed from service for repair, provide evidence of the repair." We believe the PSC already has the authority to require an inspection for open recalls and to direct owners with a recalled vehicle to either fix the recalls or remove their vehicle from service.

We also recommend making the recall-free requirement explicit and prominent on the PSC's website and other safety materials. Such a requirement is something the PSC 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. Although we found no statistics about Baltimore taxis, the recall rate is probably close to that of other major cities: one in six taxis has open recalls in DC, one in three among Seattle, New York City, Tampa, and Houston.¹

In conclusion, taxis with open recalls pose a serious safety risk for everyone in Baltimore. 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 PSC to direct these repairs be made for everyone's safety. The Center for Auto Safety urges the PSC to take decisive actions and require Baltimore 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 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); 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> (Seattle, New York City, Tampa, and Houston). 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).