

## Committee on Transportation

James Vacca, Chair

November 26, 2012

Intro 929: taxi decals; Intro 930: inspections reporting; Intro 923: EV taxis

Good morning. I am Councilmember James Vacca, and I am Chairman of the Committee on Transportation.

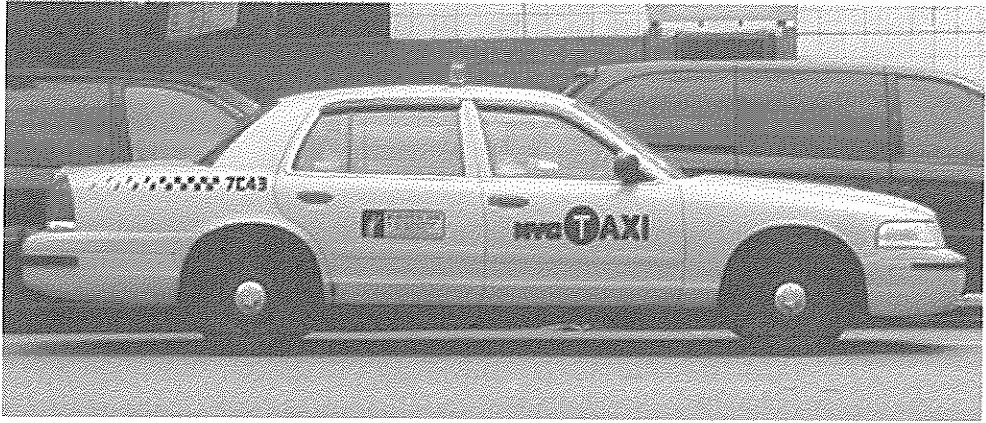
Today we will hear testimony on three bills relating to our city's taxi and for hire vehicle industries. We will also vote on Introduction 599.

First and foremost, we will hear testimony related to Introduction 929, which would require all medallion taxicabs to post the rate of fare on the exterior of the cab. It would also require the word "taxi" to appear on the vehicle. This legislation is a critical piece of consumer protection. In the three years that I have been chair of this committee, we have had not one, not two, but THREE separate overcharging scandals. And that was WITH the rate of fare on the door. Without the rate of fare on the door, how is the passenger to know that he or she is being charged the correct rate? I expect TLC officials to say that it's available on the

tepe screens in the back of the cab, but does anyone honestly believe that most tourists, who are most vulnerable to overcharging scams, know how to use those screens? And I don't know a single New Yorker who uses them for anything more catching up on the latest news headlines.

To this day, there are dozens of hearings a week at the TLC's OATH tribunals on rate 4 violations. This scam is years old now, and it STILL happens regularly. Yet now TLC has decided that design trumps consumer protection and has removed the most basic, most visible, most important piece of information for the passengers—the rate of fare—and made it difficult to find.

The TLC last approved changes to the taxi logo in October of 2007. Industry stakeholders have said they were consulted during that process and came up with a logo that everybody was happy with. What's interesting about that process is that the TLC appears to have rejected the very logo that now graces taxi doors—the stand alone T-in-a-circle. Back in 2007, this logo was rejected because TLC officials feared it would be too easily confused with the markings for a future Second Avenue Subway line. So in 2007, this logo was deemed too confusing, but now it's on the door of every taxi cab in the city. What changed?



**Testimony of Ashwini Chhabra, Deputy Commissioner, Policy & Planning  
NYC Taxi & Limousine Commission**

**INTRO 923, in relation to allowing the Taxi and Limousine Commission to replace hybrid electric vehicles with electric vehicles or any other vehicle model which has fewer emissions than electric vehicles.**

**INTRO 929-A, in relation to posting information on the exterior of vehicles for hire.**

**INTRO 930, in relation to reporting of data regarding taxi and for hire vehicle inspections by the Taxi and Limousine Commission.**

**City Council Transportation Committee  
November 26th, 2012**

Good morning, Chairman Vacca and members of the City Council Committee on Transportation. I am Ashwini Chhabra, Deputy Commissioner for Policy and Planning at the New York City Taxi and Limousine Commission. Thank you for the opportunity to speak with you today regarding three bills affecting the City's taxi and for-hire industries.

The first proposed item of legislation is Intro 923, which would permit owners of "alternative fuel medallions" to use Commission-approved electric vehicles as taxis. Currently the City's Administrative Code specifically restricts these 273 "alternative fuel medallions" to use with hybrid-electric or CNG-powered vehicles. As electric vehicles are becoming increasingly commercially viable, and as the charging infrastructure expands to make their use a practical option, we may decide that they could be used as taxis. In that event, this bill will give the owners of alternative fuel medallions the option of going electric. The Commission wholeheartedly supports this bill, and looks forward to testing this new technology in the hopes that it will provide another sustainable option for taxi owners.

The second item of legislation I'd like to address is Intro 930, which would require the Commission to report to the Council, on a quarterly basis, average wait times for taxi and for-hire vehicle (FHV) inspections. It is important to understand that while taxicabs and for-hire vehicles are both required to be inspected every three months the process for the two types of vehicles is different. Taxicabs have a pre-set inspection schedule every four months during the course of the year and all inspections are done

at the TLC's facility in Woodside. The time and date of the next scheduled vehicle inspection is given to the driver at each vehicle inspection. We can share the schedule with you, as it does not change.

In contrast, for-hire vehicles are only required to be inspected at our Woodside facility prior to initial licensure and then at the start of each renewal cycle, or once for every two year license cycle. After their initial inspection is performed at our Woodside facility FHV's are also then required to be inspected once every four months but these inspections can be done at any local DMV inspection facility. We do not track vehicle inspection appointment statistics for FHV's, as it is administratively burdensome to collect and analyze, and would distract staff from the more important work of actually processing these applications, but we did generate data on this for this Committee in February. As we reported at that time, an applicant will receive an inspection appointment date within three business days of completing all the necessary paperwork and notifying the TLC they have received their DMV plates and the total process, from the date the application is filed until their actual inspection appointment date for FY2013 is currently averaging only 10 calendar days. In addition, segments of the process are outside of the TLC's control so this process can, of course, take longer when applications are found to be incomplete or to contain errors that the applicant needs to rectify, or if the applicant takes longer than necessary to obtain plates from the DMV.

Given the foregoing, the Commission does not believe that collecting, analyzing and reporting this data every three months is an efficient use of staff resources. Commission staff would be better deployed to process these applications and to further reduce processing times. For that reason, we respectfully oppose this legislation.

The last proposed item of legislation – Intro 929-A – would require the rate of fare and the word "taxi" to be placed on the exterior of every vehicle authorized to accept a street hail. Respectfully, we disagree with the requirements of this bill. While the Commission shares the motivation behind this legislation – the education and protection of consumers – this bill fails to achieve that goal. Instead, other current and planned innovations will better accomplish this goal than the alteration of door decals.

As you certainly know, all New York City taxis are already a uniform yellow color and have identical markings. They also all have distinctive rooflights which display the taxi medallion number specific to that vehicle, and a medallion affixed to the hood. All of these features readily mark them as New York City taxis. This combination of uniform color, uniform markings and distinctive rooflight turn an otherwise nondescript Ford Crown Vic or Toyota Prius into that iconic symbol of New York City – the New York City taxicab. And no one seeing one of these unique yellow vehicles from a block away can have any doubt that it is a New York City taxicab.

The New York City taxi is one of the world's most identifiable brands and its iconic nature is a key element to the industry's success. But more than this, the yellow taxi is a ubiquitous presence in the City; particularly in the Manhattan Central Business district, where taxicabs are often a large percentage of the vehicles on the road. And in that environment of persistent messaging and visual clutter, simplifying and cleaning up the markings on 13,237 taxis can make a real difference. In 2007, the TLC introduced new exterior markings for the first time since 1970, which included a modernized fare panel and a bold "T" in a circle followed by "AXI". Building upon those changes, we again engaged design professionals to help improve the taxis' iconic appearance. Based on their counsel, we recently replaced the words NYC TAXI on the side doors with a smaller NYC and the letter T; and we simplified and reduced the fare information that was posted on the door of the taxi. We have not had increased complaints from passengers – neither residents nor visitors – that this change has made it harder for them to discern a New York City taxi from the sea of vehicles on our City's streets. And we have not had any discernible increase in complaints from passengers that they didn't know the taxi fare before entering the cab.

Now in contrast, cities such as Los Angeles, San Francisco and Washington, D.C., require the word "taxi" to be on the door of the vehicle. Having the word "taxi" is a useful tool in these cities where taxicabs are a variety of color combinations depending on the particular taxicab company. In New York City, that is simply not the case. The 'yellow' exterior of a taxi makes it easy to distinguish from other vehicles on the road.

On the subject of displaying the rate of fare on the exterior of the taxi, this is certainly one of those ideas that made sense at one time but no longer does. Back when the fare was simply an initial fare (the “flag drop”) with an additional amount per distance traveled or time elapsed, it may have made sense to enumerate that for passengers. However, the fare structure today is more complicated, with the rate of fare varying depending on the time of day and the destination. When you ride a taxi today, you can expect to pay:

- \$2.50 upon entry; plus
- \$0.50 MTA tax; plus
- \$0.50 for each one-fifth of a mile when the cab is traveling at 6 miles an hour or more, or for every 60 seconds when the cab is not in motion or traveling at less than 6 miles an hour; plus
- a weekday peak hour surcharge of \$1.00 between 4PM and 8PM from Monday to Friday; plus
- a night time surcharge of \$0.50 between 8PM and 6AM daily;
- plus tolls.

In addition, there are different rates for trips that leave the five boroughs; different rates for Newark airport fares; and a flat fare between Manhattan and JFK airport. This increased complexity – while necessary in the calculation of the fare – is potentially confusing if posted on a taxi door. Indeed, prior to this most recent change to the exterior markings, much of this fare information, in order to fit on the door, had to be presented in a size that rendered it less than useful.

The fact is, we now have technology aides that we didn’t have back when the exterior fare markings were originally conceived. Each of the 13,237 taxis is equipped with a passenger-facing TV screen, and each trip begins with a display of the rate of fare on those screens. In addition, passengers have the option, at any point during their trip, to read a more detailed onscreen explanation of the various rates of fare, and to learn about the various components of each rate of fare. This does more to educate

and protect consumers than any exterior decal, glimpsed briefly prior to entering a taxi, possibly could.

And the taxi screens also provide pop-up passenger alerts whenever an out-of-town rate has been activated, or when a toll has been inappropriately charged. It is important to note that in recent instances of overcharging by drivers – in one case, activation of the out-of-town rate for in-town trips, and in the other case, improper collection of toll amounts – listing the fare on the vehicle's exterior would not have prevented the overcharging. In both those instances, it was the GPS and the taxi screen which are part of the TPEP system, that allowed us to identify the instances of overcharging, to notify passengers of its occurrence, and to prevent it from happening again.

As for the numerous visitors who fly into either JFK or LaGuardia airports, the Port Authority distributes fare cards to inform them what the cost of their trip could be. As you know, trips from JFK are a flat fare of \$52 to Manhattan and the rate card lists estimated fares to other areas of the City. Tourists who travel from LaGuardia also have rate cards available to them that provide estimates of how much trips typically cost to various areas in the City. This is all information that is more helpful than what could be contained on the door of the cab.

In simplifying the information on the exterior of the vehicle – the decal still informs prospective passengers that they are entitled to pay a metered fare, and that there is a flat fare between Manhattan and JFK – we are not alone. All of our “peer” cities – London, San Francisco, Chicago, Los Angeles, Philadelphia, Boston – require the fare to be posted on the interior of the taxi, not the exterior.

However, based on the Council's advocacy on this issue – in particular, in response to inquiries from Chairman Vacca and Council Member Garodnick – we are making one significant change that we believe will further assist passengers in making sure they are being charged the correct amount. With the next generation of TPEP systems beginning in February, we will require that the taxi screens give passengers the option of viewing their own itemized fare information at any time during the trip –



including the drop, the MTA tax, the time and distance portion of the fare, and any tolls or surcharges. Currently, this information is only visible at the end of the trip. With TPEP 2.0, this information will be available on demand.

This concludes my testimony regarding the bills being considered today. I would like to thank you again for the opportunity to testify before the Council about these proposed items of legislation. And at this time, I would be happy to answer any questions that you may have.

New York City Council  
Committee on Transportation  
250 Broadway, 14<sup>th</sup> floor  
New York, New York, 10007

November 26, 2012

**Re: Intro 930. Reporting of data regarding Taxi and For Hire vehicle inspections by the Taxi & Limousine Commission**

Dear Council Members:

In the Spring Council hearing, members of the Livery Roundtable went on record and testified that wait times at the Woodside Inspection facility were lengthy in providing appointments to licensees and bases therefore, Intro. 930 is a welcome addition to streamline the appointment process and assist bases and drivers receive inspections in a timely manner.

We fully support intro 930 and look forward to its implementation.

Carolyn Castro  
Executive Director  
Livery Roundtable

NYC City Council  
Committee on Transportation  
Monday, November 26<sup>th</sup>, 2012

Good morning Chairman Vacca and members of the Transportation Committee. My name is Paul Herzan and I am the board Chairman of Cooper-Hewitt National Design Museum, Smithsonian Institution here in NYC. I speak to you today about Intro 929-A as a passenger and regular user of the yellow taxi.

In May of 2002, I wrote a letter to the head of design at Ford Motor company essentially asking if Ford could design "taxi of the future" that would be designed as purpose built vehicles for passenger transport and be safe, tough and sustainable on NYC streets. I received no reply.

Since that "rejection", I have worked at building a consortium of organizations that captures the intense public interest in the yellow taxi - a global icon that people value and care about. NYC's design community, including world leader Smart Design, chose to get involved and to give back to its city through a concerted effort to make things better both visually and functionally. The TLC came on board too. *Taxi of Tomorrow* was launched to set a high bar for the auto industry that challenged them to invest millions of dollars in innovative safety and purpose-built amenities rather than the acceptance of "fleet" offerings.

Ten years ago, I began these efforts to make taxis safer, more comfortable, efficient, accessible and environmentally sustainable. Collaborating with The Design Trust for Public Space, our approach combined design studies, research, convening of stakeholders--fleet and medallion owners, drivers, planners, designers and city officials to brainstorm and develop ideas for improving and redesigning the taxi and the system. In 2007 for the Taxi's Centennial, eight prototypes were exhibited at the New York International Auto Show. This design process led to an innovative RFP that resulted in a partnership with leaders at the TLC and Nissan. Other cities around the globe are now considering the *Taxi of Tomorrow* as their new taxi using the adage, 'if you can make it in New York, you can make it anywhere.' The fact is – these other cities can imitate the *Taxi of Tomorrow* but only in New York – arguably the design capital of the world, can there be collective will to create a taxi that is designed for NYC.

Thanks to a long history of the yellow taxi in New York City, people the world over recognize and can identify a yellow car as a taxi. I applaud the TLC's improvements in taxi graphics which create an even more recognizable brand identity for the NYC taxi and do away with the antiquated fare decals which are not user friendly. Thanks to new technologies, the passenger of the NYC yellow cab has all the necessary information at a fingers' touch inside the cab. Over 13,000 taxis shuttle 600,000 passengers on 470,000 trips in a day through our city's streets and today those users experience a clear and coherent brand message when they raise their hands to hail.

DESIGN TRUST  
FOR PUBLIC SPACE  
40 WORTH STREET  
SUITE 603  
NEW YORK, NY 10013  
212.695.2432  
DESIGNTRUST.ORG

TESTIMONY:

MEGAN CANNING, DEPUTY DIRECTOR, DESIGN TRUST FOR PUBLIC SPACE  
CITY COUNCIL TRANSPORTATION COMMITTEE  
NOVEMBER 26, 2012  
RE: PROPOSED LEGISLATION ITEM "INTRO 929-A"

---

Good morning Chairman Vacca and members of the Transportation Committee. My name is Megan Canning and I am the Deputy Director of the Design Trust for Public Space, an independent nonprofit organization whose mission is to improve public space in New York City. Thank you for the opportunity to appear before you today.

The Design Trust has been working since 2005 to improve the taxi vehicle and system and as part of our efforts, we created the first-ever 10-year plan for improving the taxi system, *Taxi 07: Roads Forward*, which was presented to the Transportation Committee in 2008. As a leading design nonprofit in New York City, we are quite taken aback by legislation item "Intro 929-A," which we believe will adversely affect the brand of both the yellow taxi and New York City as a whole.

**BOARD OF DIRECTORS**

PRESIDENT  
Andrea Woodner

SECRETARY  
Paula Mueller

TREASURER  
Marc Heiman

DIRECTORS  
Cindy Allen  
Hugo Barreca  
Alison Bauer  
Theodore Berger  
Deborah Berke  
Victor Body-Lawson  
Kitty Hawks  
John Keenen  
Stephen Maharam  
Zack McKown  
Linda Pollak  
Annabelle Selldorf  
Susanna Sirefman  
Sylvia Smith  
Claire Weisz

EXECUTIVE DIRECTOR  
Susan Chin, FAIA

New York's taxicabs are more than a means of transportation—they are a ubiquitous and vital component of the city's public environment. As both a public service and our city's "moveable public space," taxis should be held to high standards. And as a symbol for New York City, the taxi should capture some of the glamour, dynamism, efficiency, and no-nonsense charm that New York is known for.

Taxis have a profound impact on the image of the city—just imagine our city's streets without that constant stream of yellow. The taxi is also recognized as a powerful icon for New York, just like the Empire State Building or the Statue of Liberty. What is perhaps most often overlooked is that the taxi is a designed object and every aspect of its design affects the experience.

The distinct yellow color is, without question, the most significant aspect of the taxi "brand," signaling to New Yorkers and visitors alike that this vehicle is not a regular car. In addition to its bright color, other key features that contribute to the taxi "brand" are physical, like the roof light and the medallion, and functional, like how the taxi serves millions as a vital mode of urban transit. The fact that anyone can raise their arm in the air to hail a yellow taxi and be taken where they need to go is one of the most distinguishing features of the New York City taxi.

For these reasons, we strongly disagree with the proposed legislation to spell out the word "taxi" on the outside of the vehicle. We find this to be redundant, visual clutter, and insults the intelligence of New Yorkers.

## DESIGN TRUST FOR PUBLIC SPACE

No other form of the city's transportation network – neither the bus nor the subway – spells out the word “BUS” or “SUBWAY” on its exterior. It doesn't need to. Young and old, local and tourist alike know what these transportation modes are. In the very same way, there is no doubt that a yellow car with a roof light and a medallion number that stops to pick you up when you thrust your arm in the air, is an official New York City taxi.

I urge you, on behalf of New York City's design community, to protect the powerful brand of the yellow taxi by honoring the simplified and sophisticated exterior decals recently implemented by the TLC. The large letter “T” signifies this is a New York City taxi, and all the vital consumer information – that the fare is metered and that there is a flat fare between Manhattan and JFK – is quite clear.

Thank you.

TESTIMONY

DAVIN STOWELL, CEO, SMART DESIGN LLC.

IN FRONT OF THE CITY COUNCIL TRANSPORTATION COMMITTEE

ON NOVEMBER 26, 2012

RE: PROPOSED LEGISLATION ITEM "INTRO 929-A"

Good morning Chairman Vacca, members of the Transportation Committee. My name is Davin Stowell, I'm the CEO and founder of Smart Design, an global design and innovation firm that specializes in "human centered design". We create great brands for our clients by making products and services better and easier to use though design. Thank you for the opportunity to speak to you today.

Smart Design is proudly headquartered in New York City and has been collaborating with the Taxi and Limousine Commission and the Design Trust for Public Space since 2006 to improve the taxi rider's experience and elevate the brand identity of the NYC yellow taxi to reflect the professionalism and concern for safety that is deserves as a vital part of NYC's network of public transportation.

Prior to 2007, other than a small "NYC" haphazardly hand stenciled on the door, there was very little visual identification to differentiate NYC taxis from the similar yellow taxis from Newark, and there was nothing that distinguished the NYC taxis as a BRAND that is very well managed for a superior passenger experience. The graphic treatment of the NYC taxi logo and fare panel that we created in 2007 was the first step in creating a consistent identity that better represented the NYC taxi BRAND, but it was far from being perfect.

As a means of public transportation, NYC taxi provides a very simple and easy to understand service. From almost any location in Manhattan, you can raise your hand and a yellow taxi will stop, take you to your destination for a consistently metered and displayed fare. You can be assured that what you will be charged accurate and fair. But the way in which that fare is calculated is far from simple. It is a complex formula that has evolved to accommodate the needs of the industry, the drivers and the city and to put more taxis on the street during the busiest times. It does very little to help the consumer understand how much their taxi ride will cost before actually completing a trip.

**November 26, 2012**

In 2007 we were concerned about that and proposed a much simpler communication that displayed the average cost range for short rides ride in midtown and also what the longer airport journeys might cost. That and the full fare calculation panel was shown to approximately 80 tourists in the Times Square area to understand which panel would be more helpful to estimate a fare before deciding to take a Taxi. What we found was that there was no difference in their preference. For the full fare panel, they had no idea what a "1/5<sup>th</sup> mile was and how it related to distances in the city. On the simplified panel, tourists were unsure what constituted a "short ride" and the price range given didn't seem any better than what their guess might have been. What was more striking though was their general indifference to the exact amount the taxi would cost—they knew that it would cost more than public transportation, but they had confidence they'd be fairly charged and the convenience of the service was more important to them than the exact cost.

The exterior decals that were implemented in 2007 were a first step in creating a stronger brand identity and more clear communication, but as the taxi system continuously evolves to provide better service, the graphic communication on the taxi's exterior also needs to evolve to be up to date and reflect the improvements and modernization of the system. The fare calculation, which now is much more clearly explained by the TV screen in the taxi, has been replaced with information that's most important to a first time taxi rider—you can hail this taxi to stop by raising your hand, the fare will be accurately calculated by a regulated meter, and that there will be a fixed fares to and from JFK—a pick up location where visitors are most vulnerable to illegal practices.

The NYC TAXI logo that was put in place 5 years ago was badly compromised by last minute changes to incorporate the newly adopted NYC logo. The new version is respectful and complimentary to the NYC logo. The word "Taxi" has been reduced to the iconic circle "T" that is now readily understood to be symbolic of "taxi" and is unique to NYC.

The logo and fare information that now is in place on the vast majority of the fleet is informative, memorable and timeless. It's a symbol that's appropriate for the greatest taxi system in the world. I respectfully ask you to please not put this bill forward.

Thank you.



24-16 Queens Plaza South RM 503  
Long Island City, NY 11101  
**Phone:** (718) 784-4343  
**Fax:** (718) 784-1329  
**Url:** [www.mtbotnyc.com](http://www.mtbotnyc.com)

**President:** Ronald Sherman  
**Executive Director:** Jean Barrett

## **Testimony of Peter Mazer of the Metropolitan Taxicab Board of Trade New York City Council Transportation Committee Hearing November 26, 2012**

Good afternoon Chairman Vacca and members of the Transportation Committee. I am Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT), a 60-year old trade organization that is comprised of 37 taxi fleets that operate more than 5,000 yellow medallion taxicabs throughout Brooklyn, the Bronx, Queens and Manhattan—more than 60% of all corporate medallions. MTBOT fleets lease taxis to more than 20,000 drivers and employ thousands of mechanics, dispatchers, managers and other direct and indirect employees that ensure taxi service is provided to the riding public 24 hours a day, 7 days a week and 365 days a year including during Hurricane Sandy when every one of our garages remained open for business.

Today, I will be testifying on two of the bills on the committee's agenda—Intro 929-A, and Intro 923.

MTBOT fully supports reinstating the posting of rate information and other important verbiage on each exterior rear door of New York City taxis as outlined in Intro 929-A despite the expense that it would have on our fleets.

Rate of fare decals have been a ubiquitous feature of the iconic New York City taxicab for decades. By clearly displaying the cost of a ride, these decals provide important consumer protections to riders, particularly the millions of visitors to our city. For example, the exterior rate decals inform riders that it costs three dollars just to open the door of a taxi – more than a subway fare. This is good for passengers and good for drivers who want to avoid payment disputes.

While it is true that the taxi screen digitally displays the rate of fare once the meter is engaged and the trip begins, the passenger is already on the hook for drop charge. The same goes for the rate card that is also inside the taxi and easily overlooked. Every passenger has a right to know the fare before he or she enter the taxi – not just the savviest or most frequent taxi riders but the first-time taxi rider and the infrequent taxi rider. Furthermore, the exterior and interior display of the rate of fare is necessary to protect against overcharging and fraud. While the vast majority of taxi drivers are honest



hard working New Yorkers, there are always bad apples, as we recently witnessed in the Rate 4 scandal where drivers were illegally charging out-of-city rates for in-city fares.

If that scandal showed us anything, it showed us that the more consumer protections that are in place, the better equipped we are to fight fraud. Why then would we take away a consumer protection like the exterior posting of a rate of fare decal?

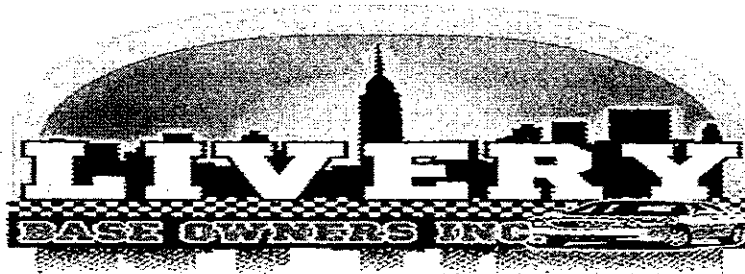
In addition, one of the great ironies of this new decal initiative was that after the new rule took effect, taxicabs were actually failing inspection for displaying the word "taxicab." Replacing "NYC Taxi" with "NYC T" was a mistake and we need to correct it immediately. In this instance, less is not more. Passengers need to be able to clearly identify New York City yellow medallion taxicabs in a sea of competing vehicles including yellow taxis from Yonkers and Newark. Drivers need to be able to confidently drive taxicabs without passengers asking them where to find a taxi – as media reports showed.

Lastly, New York City should be proud of the singular iconic status of the New York City yellow taxicab. As a quick flip through the television channels or the aisles gift shops in Times Square clearly indicate, the New York City yellow taxicab is on par with the Empire State Building and the Statue of Liberty as a symbol of New York City. So let's celebrate that – not minimize it. Replacing NYC Taxi with NYC T is doing exactly that. It hurts this unique brand that taxi owners, drivers and passengers take great pride in. We need to reverse this before lasting damage is done to the yellow taxi brand. To that end, we not only support the bill's requirement that the word "taxi" be reinstated in the exterior decals but the words "NYC Taxi" in full.

Additionally, we suggest that the bill be amended to specifically reflect that yellow taxicabs are the only vehicles in the City of New York that are licensed to pick up street hails. As you know a judge found the law that created a livery street hail category to be unconstitutional on three separate counts, voiding that law.

With respect to Intro 923, MTBOT supports the provisions in this bill allowing the TLC to diversify the availability of fuel-efficient vehicles. This law will provide passengers and owners with choice and we support it.

Thank you. I will be happy to answer any questions you may have.



NYC Council Committee on Transportation

Monday, November 26, 2012 at 10:00 a.m.

RE: Int. No. 923 - In relation to allowing the taxi and limousine commission to replace hybrid electric vehicles with electric vehicles or any other vehicle model which has fewer emissions than electric vehicles.

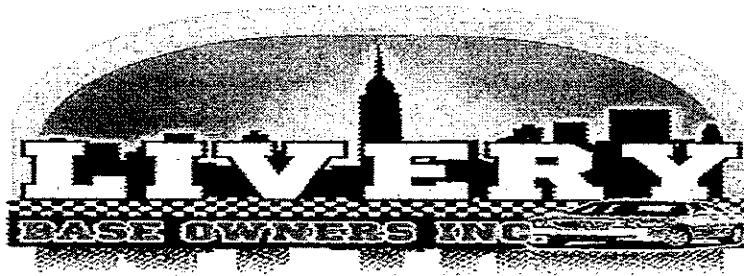
Proposed Int. No. 929-A - In relation to posting information on the exterior of vehicles for hire.

Int. No. 930 - In relation to reporting of data regarding taxi and for hire vehicle inspections by the taxi and limousine commission.

Mr. Chairman, members of the committee, industry colleagues. My name is <sup>Jose Altamirano</sup> ~~Cira Angeles~~, <sup>President</sup> ~~spokesperson~~ for the Livery Base Owners Association, composed of 125 base owners with approximately 12,000 affiliated vehicles throughout New York City. I want to thank you for the opportunity to testify on Intro 929A, 923 and 930.

First, we support the passage of Intro 930. We believe in full disclosure. We believe the City Council should receive, as Intro indicates all of the “proceedings of the commission and all documents and records in its possession shall be public records and the commission shall make an annual report to the city council on or before the second Monday of January in each year.” To the extent that the Taxi and Limousine Commission provides information to the City Council, it will be providing information to all of us. Today, we have an excellent working relationship with TLC under the leadership of David Yassky. And our relationship is strong because the Commissioner believes in full disclosure.

We support Intro 930 because it also addresses an issue of concern to the industry – base owners and drivers alike: vehicle inspections. Intro 930 calls on the Commission to “make quarterly reports to the City Council ... on the average wait time by drivers to secure a vehicle inspection at assigned inspection facility as required under the rules of the commission. Such reports shall



NYC Council Committee on Transportation  
Monday, November 26, 2012 at 10:00 a.m.

Page 2

also disclose any instance when the wait for an inspection exceeds four weeks. All information shall be disaggregated by vehicle type.”

We also take this opportunity to support the City Council’s attempt to move the industry to the 21<sup>st</sup> Century and to join so many other attempts to be environmentally friendly and conscious, as well as providing services to ALL New Yorkers.

Intro 923 calls for “at least nine percent (of all cars) shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses [either] be powered by compressed natural gas or electricity or be a hybrid electric vehicle, or a vehicle model which has the same emissions as or fewer emissions than electric vehicles... and at least nine percent shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses be fully accessible to persons with disabilities”. We support the City Council’s Intro 923 but urge you to add financial incentives and financial support to these mandates; otherwise the industry may end up bearing costs that are unaffordable.

Finally, we support Intro 929A that calls for “Posting of information on the exterior of vehicles for hire, (with) one decal displaying the rate of fare be placed on each exterior rear door of any vehicle authorized to accept a street hail. The commission shall require that one decal containing the word “TAXI” be placed on each exterior front door of any taxicab.” Any attempts for the industry to be transparent with the public it serves must be applauded. This Intro does that. Again, thanks for allowing us to share our thoughts on these three pieces of legislation.

---

STATEMENT OF THE GREATER NEW YORK TAXI ASSOCIATION BEFORE THE NEW  
YORK CITY COUNCIL TRANSPORTATION COMMITTEE  
NOVEMBER 26, 2012

Fact sheet on Hybrid Taxis and Taxi Markings

Prepared by the Greater New York Taxi Association:

GNYTA supports Intro 923-12 and Intro 929-12

Specifically, Intro 923-12 states that the TLC "shall approve one or more hybrid electric vehicle models for use as taxicabs" and they "shall be eligible for immediate use by all current and future medallion owners." The legislation allows for the approval of more fuel efficient vehicles.

Specifically, Intro 929-12 requires the posting of the rate of fare on the exterior vehicles for hire and the word "TAXI" on the exterior of taxis.

It is absurd in the day and age of giving consumers more information on the calories contained in restaurant meals and restricting the size of soda containers that the City would hide cab fare information until the passenger is already a captive audience inside the cab.

Long before, when there taxis were regulated by the Police Hack Bureau, there were clear markings on the outside of cabs. Here we have a photograph of a taxi taken in 1927 at 14th Street and 8th Avenue clearly showing taxi markings and the rate of fare. Here are more photos taken throughout the Twentieth Century showing taxis with clear fare markings and the word "taxi".

There is no law prohibiting yellow cars or painting a letter "T" on the outside of their vehicle. There is only a law requiring taxis to be yellow. However, the law does forbid anything not a taxi to be held out as a "taxi."

No one voted to remove the word "taxi" from taxis. Not the City Council and not the Taxi and Limousine Commission commissioners. The TLC commissioners voted to have "the Commission" decide what the exterior markings must be. The commissioners rightly assumed that "the Commission" meant the commissioners, not the commission staff.

Ironically, the Council is voting to mandate fare markings on the outside of pedicabs after several notorious incidents where out of towners were taken for a ride that was more than they expected.

New York City has just experienced a disaster that strained New York's transportation infrastructure to the breaking point. I'm addressing one of the factors that can make coping with a fuel shortage easier or harder.

Today almost half of New York City taxis are hybrids. They are hybrids because they are more fuel efficient and because drivers naturally want to pay less for fuel which is a significant expense to them. But this also becomes a public safety issue when we are in a state of emergency and all forms of public transportation have broken down and the public must rely either on their own cars or taxis. The importance of the availability of fuel efficient taxis then goes beyond industry financial issues to critical public safety issues and critical transportation needs for society to continue functioning in a crisis.

The Mayor and the Taxi and Limousine Commission intend to eliminate hybrid taxis after 2013.

The Taxi of Tomorrow is poorly named – it is an old fashioned combustion engine that is neither clean energy, low millage nor wheelchair accessible.

The Taxi of Tomorrow project is for 10 years. It will force owners to replace virtually all vehicles with the Nissan NV 200 which has never been tested, even as a pilot, in the streets of New York.

Instead of competition, owners will be limited to one distributor of automobiles and Parts.

The sole manufacturer is a Japanese company with manufacturing to take place in Mexico. This program shuts out American companies and American jobs for 10 years!

Currently 6,296 (48%) of all NYC Medallion Taxicabs are Hybrids. From the TLC list of Current Medallions. Only the 273 that are restricted to be hybrid will be allowed to stay hybrid – all the others will have to be retired.

Approximately 6015 Hybrid cabs will have to be replaced with the combustion engine Nissans.

The city misleadingly compares the Nissan to the crown Victoria – a car that is no longer manufactured. Compared to the cars that will have to be replaced the Nissan holds up extremely poorly:

Nissan NV200 - 25 mpg  
Toyota Prius Hybrid – 44 mpg  
Ford Escape Hybrid – 40 mpg

Hybrids are getting more efficient every day, just last week Ford announced the Ford C-Max – to be released in 2013 and which beats the Prius at 47 MPG

The "Taxi of Tomorrow" by forcing hybrids off the street, goes against all government policy as stated by both Mayor Michael Bloomberg and by Chairman David Yassky – when the chairman was an elected City councilman:

For example:

Mayor Bloomberg said, hybrids "will also decrease the fuel costs for taxi drivers, making this a win for the public and operators alike." Press Release May 22, 2007. He further said hybrids "will significantly reduce the air pollution that causes childhood asthma."

And no one less than Council Member Yassky said, "Greening the New York City taxi fleet is an absolute no-brainer."

- Mayoral Press Release November 18, 2008.

What Mayor Bloomberg could not accomplish with a stick, the free market is accomplishing on its own. The free market is moving the taxi industry inexorably toward a hybrid fleet for many of the same reasons extolled by the Mayor.

The American Lung Association said "putting more clean cabs on New York City streets is an important step in our fight to improve air quality, especially for the one million asthmatics in our city." - Mayoral Press Release.

As Council Member Yassky pointed out as far back as seven years ago, the "City's Health Department, Commissioner Frieden, came out .... with his findings that one out of eight New Yorkers has asthma or comparable respiratory illness." He said "I believe that we in the government, you and us and the rest of the government, should be really leaders in trying to do what we can for clean air, and these 13,000 cabs are a terrific opportunity to do that."

- Yassky testimony before the TLC June 20, 2005

Today, nearly half of New York City taxis are hybrids. After 2013, that number will be reduced to 2%.

For what purpose? So that tourists who will be in the City for a few days can get a panoramic view of tall buildings during their five minute ride in a taxi at the cost of to the health of New Yorkers who actually live here? So that New York will have a unique taxi vehicle? London and Tokyo have announced that they will be using the same vehicle, except with more efficient engines.

The fact that the TLC cannot force owners to use hybrids does not mean that the TLC has to forbid hybrids, which is what you, the TLC, are now doing.

According to Council Member Yassky in 2005 83% of New Yorkers were in favor of hybrid taxis.

Pulling away from hybrids is not simply bad public policy. In the expressed views of Michael Bloomberg and David Yassky, this is simply crazy.

The City Charter says you "shall be responsible for the development and effectuation of a broad public policy." Commissioners. This is now in your hands. The City Charter puts the responsibility to set policy in your hands and no one else. In the end it will not be Bloomberg or

Yassky who will be blamed. You can bring sanity to this.

Listen to their own words.

---

"Greening the New York City taxi fleet is an absolute no-brainer," said Council Member Yassky. "When we announced a green taxis rule earlier this year, New York instantly became a national leader in sustainability. It is astonishing and sad that the taxi industry is still putting up roadblocks."

- Council Member David Yassky Bloomberg Press Release November 18, 2008

"In the face of climate change, the old ways of doing things are no longer good enough. Mayor Bloomberg's PlaNYC is an absolutely essential step toward reversing course on climate change and air quality, and I will work as hard as I can to help turn the Mayor's plan into reality," said Councilmember David Yassky. "I applaud Mayor Bloomberg for acting now to turn New York City taxi cabs from part of the problem into part of the solution. New York City's 13,000 taxi cabs will still be yellow on the outside, but soon they will be green on the inside."

- Council Member David Yassky Bloomberg Press Release May 22, 2007

"Putting more clean cabs on New York City streets is an important step in our fight to improve air quality, especially for the one million asthmatics in our city," said Louise Vetter, President and CEO of the American Lung Association of the City of New York. "By turning our yellow cabs green, we can put New York City miles ahead on the road to clean air."

- Bloomberg Press Release May 22, 2007

"In PlaNYC, we set aggressive goals for the taxicab industry and today we're going to begin meeting those goals," said Mayor Bloomberg. "Implementing tougher standards for the more than 13,000 taxis in this City will provide the same clean air benefits as removing 32,000 privately owned cars from our streets, which will significantly reduce the air pollution that causes childhood asthma. This will also decrease the fuel costs for taxi drivers, making this a win for the public and operators alike."

Greening the taxi fleet is a major priority and we are going to use every mechanism at our disposal to make New York a cleaner, healthier city. Taxis are a part of our public transportation system; they must be part of the solution to air pollution, not a contributing cause of the problem.

- Bloomberg Press Release May 22, 2007

"There's an awful lot of taxicabs on the streets of New York City obviously, so it makes a real big difference," Mayor Bloomberg said on NBC's "Today" show yesterday. "These cars just sit

there in traffic sometimes, belching fumes. This does a lot less; it's a lot better for all of us." ....

He said the slightly higher cost of buying hybrid vehicles would be offset by the average \$10,000 a year owners would save in fuel costs.

"I've never liked to plan something and then have somebody else have the responsibility of doing it or paying for it," the mayor said yesterday.

- NY Times 05-23-07

The mayor's PlaNYC had initially called for the entire fleet of taxis to be replaced over the next 8 to 10 years, citing questions about their durability as 24-hour, seven-day-a-week vehicles. Today the mayor credited City Councilman David Yassky, a longtime advocate of a greener taxi fleet, with convincing him to speed up the timeline.

"We had an opportunity to do it, and I think David Yassky really deserves a lot of credit," Mr. Bloomberg said. "He pushed for a faster schedule."

- NY Times 05-23-07

I can quickly run out of fingers counting the benefits of electric vehicles," he said. Mr. Bloomberg.

- NY Times 07-12-11

---

Council Member Yassky quotes in front of the Taxi and Limousine Commission before he was TLC commissioner on the subject of hybrids:

"Councilman David Yassky,

..... the incentive for fuel efficient vehicles, I am here to testify in full-throated enthusiastic support of what the Commission is doing here, the Mayor's and Commission's initiative. To ensure that the entire city taxi fleet is fuel efficient I think is one of the most important environmental issues that this city government has ever undertaken.

.....

Because the savings of the -- the fuel savings of a fuel efficient car are, you know, realized by the driver rather than by the owner, it makes sense to structure the lease cab rates so that the driver has, you know -- saves on gas, pays a higher medallion fee or car rental fee, and the owner, who doesn't see the gas savings, does see some extra revenue to compensate them for the increased cost of purchasing the hybrid in the first place."

- Transcript TLC Meeting March 26, 2009

---

"Councilman David Yassky, ....



looking toward the use of hybrid technology there is no question, I think, there are enormous gains to be made there, and gains really in the millions of tons of carbon dioxide, greenhouse gas, carbon dioxide in the millions of tons of particulate matter that could be saved by switching the fleet over to alternative fuel. Even under conservative assumptions if you just use hybrids and hybrids for big cars that are not nearly so fuel efficient as the smaller car, even if technology stays where it is today, we are talking about millions of tons of both particulate matter and carbon dioxide.

To me that's the gain -- and again, the context under which we operate, as I know you know, the City's Health Department, Commissioner Frieden, came out about 18 months ago with his findings that one out of eight New Yorkers has asthma or comparable respiratory illness and so in that environment I believe that we in the government, you and us and the rest of the government, should be really leaders in trying to do what we can for clean air, and these 13,000 cabs are a terrific opportunity to do that.

.....

"Certainly 3 inches of leg room, I think, is not a lot to sacrifice for clean air ....

.....

In terms of the Highlander, which seats, you know, five not counting the front row seats, not counting the driver and the passenger, I think a lot of passengers actually prefer that. I know when I on the rare occasions get into a taxicab with my wife and two daughters and I sit in the front or my wife sits in the front, I think we would much rather be in the two rows in the back car so I think that is at least a wash in terms of passenger appeal. Even let's concede that there is a sacrifice in comfort on the 3 inches. Again, I think that is plainly made up for in the environmental gain.

..... survey conducted by Global Strategy Group, .... just to share with you a few of the findings: 83 percent of New Yorkers would support a law to promote the use of hybrid cars as taxis, 83 percent. Seven in ten New Yorkers say, "it is important that a majority of all cabs be hybrid cars in the next five years," 70 percent. New Yorkers rank pollution and air qualities as our number one environmental problem.

A majority of riders when asked would you sacrifice a few inches of comfort in return for a hybrid cab on the street, a majority of riders, taxicab riders, say yes, they would.

.....

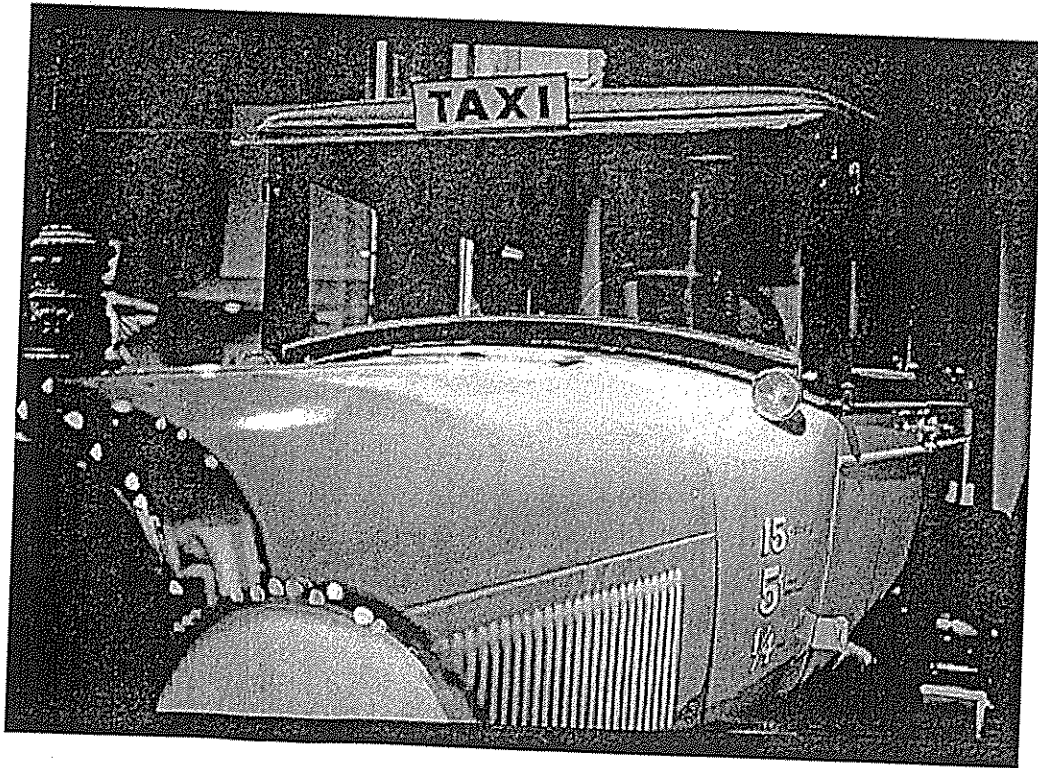
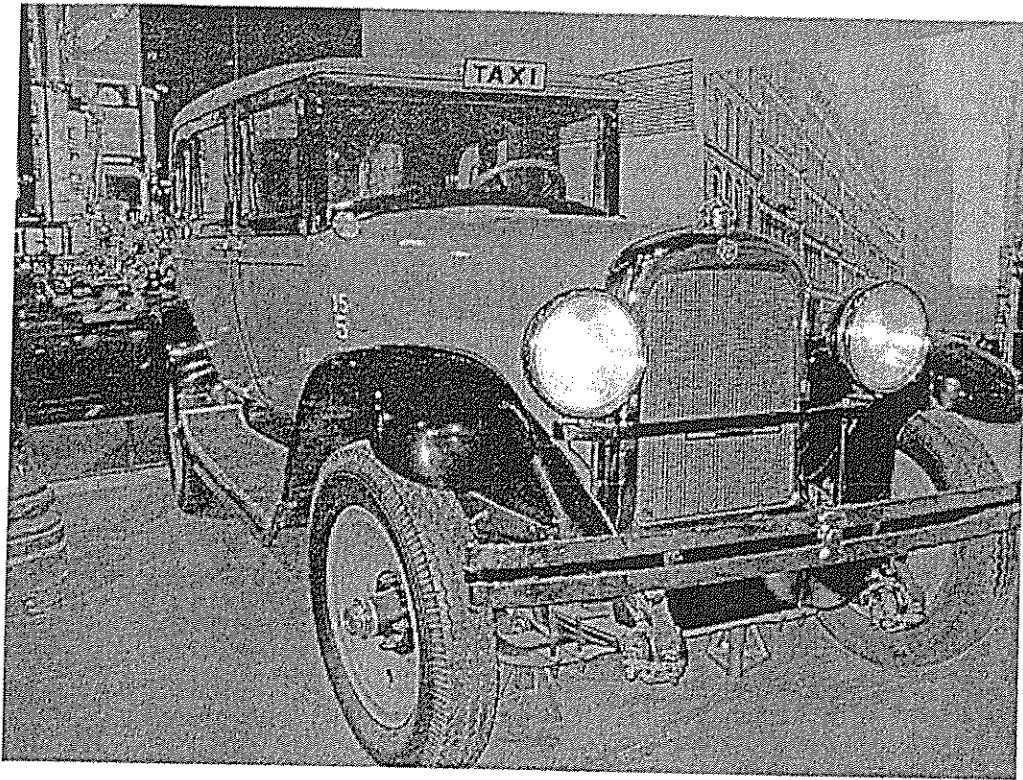
I think frankly if you make it available you may see drivers and owners really choose because of the fuel savings ....

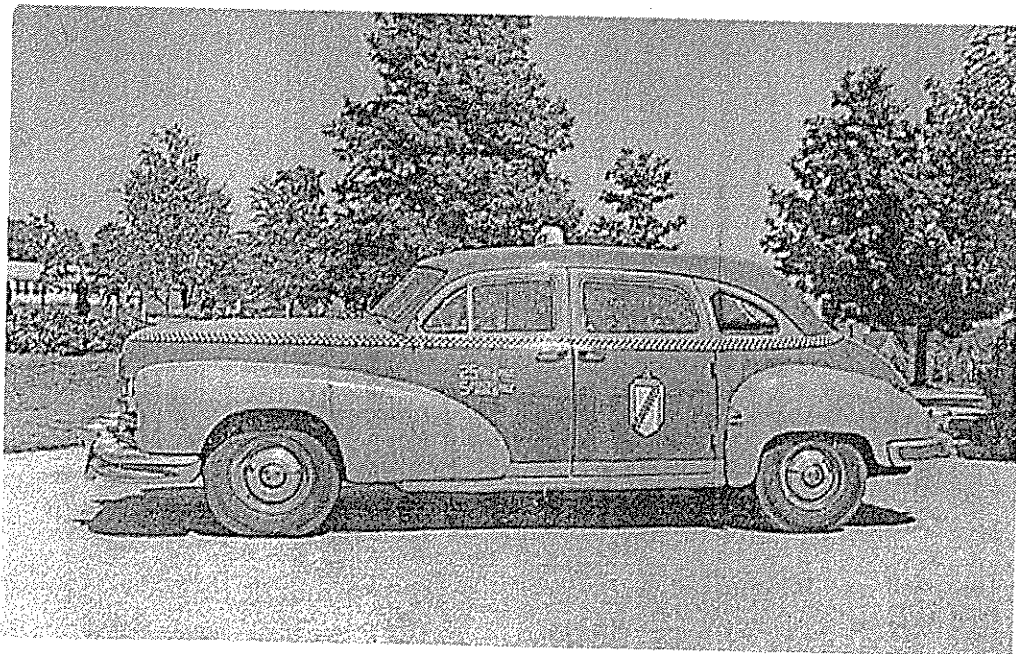
It is my intention over the next several months to be continuing to be pushing that idea in the City Council."

- Transcript TLC Meeting June 20, 2005

And what more can you say about the radical idea of having the word "TAXI" appear on a taxi? Taxis have had the word taxi and their rate of fare posted on the outside for nearly a hundred years for the very simple reason that passengers may be assured of what they are getting into and what they can expect it to cost before they get in. Icons can be helpful, but they are not explicit and not universally understood. They can never be as clear as spelling out the name of an object.

Ethan Gerber  
Greater New York Taxi Association  
Executive Director  
egerber@gnyta.org  
718-834-4850







2 00

710 Rio St  
8th Ave Stn 1475

**TESTIMONY**  
**OF**  
**PLACIDA N. ROBINSON**  
**INDEPENDENT NYC HYBRID MEDALLION OWNER**  
**ON BEHALF OF**  
**THE INDEPENDENT MEDALLION OWNER AND DRIVER ASSOCIATION (IMODA)**

*The New York City Council's Proposal to Allow the TLC to Replace Hybrid Electric Vehicles*

*Introduction No. 923-2012*

*November 26, 2012*

Good morning Chairperson Vacca and members of the Committee on Transportation. I am Placida Robinson, a Columbia University graduate in public policy, a NYC Hybrid Medallion owner and now founder of "IMODA," the newly formed Independent Medallion Owner and Driver Association. Our stated goal is to effectuate and represent public policy change that is accountable to the needs, recommendations and requirements of small independent owners and operators of this industry.

The electric vehicle policy issue is the top concern on our public policy agenda. In 2005, New York City initiated one of the most irresponsibly crafted policies when it granted the TLC unilateral approval to mandate hybrid-electric vehicles for use as medallion taxicabs. From the Ford Escape hybrid to the GM Saturn Vue, the Taxi and Limousine Commission has inexplicably resisted protection of its licensees and the public in not testing or reviewing these vehicles for their safety, operational and financial performance. Despite advising the Commission, via written and verbal complaint, in 2007 and 2012, and at the Commission's public hearing, June 1<sup>st</sup>, with documented evidence of the catastrophic financial and operational burden of purchasing, operating and maintaining these vehicles, citing power steering failures, highway and city traffic loss of acceleration, engine stalls, battery drains, fires and expensive \$10,000 per electric part failure, the Commission has mysteriously refrained from acting on or

considering these facts, failing in its public responsibility to protect owners or its ridership through industry notice, public hearing or otherwise.

Since the current regulatory policy has been reticent to relieve hybrid medallion and vehicle owners of the grave and tortuous mandate to repeatedly buy, repair and replace these routinely defective vehicles, we are directly appealing to you carefully review and consider all current and proposed electric vehicle policy and implementation before instituting any more regulation. We have paid for the current electric policy through millions in equity destruction and cash transfer directly back to the manufacturers over the past seven years. Consider our bankruptcy, medallion foreclosure, equity destruction, income and vehicle property loss, increased sticker expenses, retirement savings and inability to barely meet medical expenses, family needs, home mortgages and rent, as we now ask the Council to pause in its consideration of electric vehicle technology at this time and to contemplate any new fuel efficiency and emissions policy with the aforementioned financial and operational damage in mind.

After personally exhausting \$156,000 in refinanced equity to buy, repair and replace three different hybrid models, I was told by the Commission to 'buy another hybrid.' To the contrary, it has not been the financial and efficiency opportunity we were sold.

Over 600 estimated and accompanying hybrid medallion owners (individual and corporate, with another approximately 5,000 hybrid "driver owned" vehicle operators have transferred millions in cash equity and income directly back to the vehicle manufacturers over the past seven years in purchases and repairs.

Despite writing the TLC in 2007 and in 2012, and again, publicly provided them at their June 1<sup>st</sup> hearing with information on nation-wide, NHTSA hybrid failure data and court filings on Toyota Highlander Prius, Camry, Ford Escape, Hondai Civic and GM hybrid cars, the TLC refused to take corrective action on any of the evidence presented, by summarily voting to adopt the even more expensive to purchase and repair, Lexus RX-400H. However, the policy could not escape federal Judge Paul Crotty's 2008 Opinion, injuncting the City from mandating more of these hybrid vehicles fleet-wide, citing the irrevocable, non-recoupable compliance costs that we hybrid medallion owners have now realized.

In sum, hybrid owners are paying to be driven being driven from the industry while simultaneously footing the bill for but for the City's obsolete and passing hybrid policy, itself. The 2013 Taxi of Tomorrow is not a hybrid.

As it is principally, if not legally unfair to compel our continued competitive disadvantage with non-hybrid medallion owners in this industry, we compel you to rescind the current constraint on our hybrid medallion owners to hack-up up hybrid vehicles in perpetuity while considering further policy alternatives.

The Council's careful and sincere consideration of the foregoing advisory with respect to Introduction No. 923 will have a direct, positive or continued negative impact on our legal right to continued viability.

While we understand what the Council would like to achieve in setting innovative fleet policy, this is an historic opportunity to correct course in a win-win, opportunistic direction, not addressed by the bill, today.

We then ask you to review electric prospects going forward, given President Barack Obama's already increased 35.5 mpg EPA fuel efficiency standards and historic, new 54.5 mpg fuel efficiency standards for conventional gas cars and electrics now, and even 54.5 mpg gas efficiency by 2025. Gas vehicles, already on the road with the new and improved emissions standards will allow us to all achieve the same goals with greater flexibility while giving the Council time to truly transform New York and the nation's crown jewel of taxi fleet transportation into something even more enviable than it already is.

On behalf of my organization, IMODA, and fellow affected owners and industry-participants, I passionately look forward to working with you on making an acceptable and technologically efficient world-class taxi fleet a dream come true.

Thank you for your time, attention and consideration of these comments.



# Total Repair Replacement Costs

Defective Hybrid Vehicles on One (1) Medallion: 2006 - 2012 (Five and 1/2 Years)

9T31 Saturn Vue Hybrid		(Days)			Benchmark (1-65) (Months)	
In-Date	Document Name	Downtime	Incident	Cost	Timeline	Exhibit #
10/06/06	Saturn Vue Purchase Invoice	12	Saturn Vehicle Purchase	27,372.76	0	
10/18/06	Taxi House Hack-up (Interior)	1	Seat & Floor Covers	650.00		
10/18/06	Maaco Hack-up (Exterior)		Regulation Paint	1,192.12		
10/21/06	Metroshop Hack-up (Interior)	3	Meter, Camera, etc.	2,095.97		
10/25/06	Saturn Repair Invoice		TLC: Install Fuse/Lock Switch	978.02		
	<b>Sub-Total (Vehicle Deployment)</b>			<b>32,288.87</b>		
02/26/07	Saturn Work Order	1	Check Engine Light	Warranty	4	
04/02/07	Saturn Service Invoice	3	Battery Replacement (1)	Warranty	6	
05/01/07	Saturn Service Invoice	8	Battery Replacement (2)	Warranty	7	
11/12/07	Saturn Service Invoice	15	Check Engine Light	Warranty		
			Battery Leak	Warranty		
			Generator Battery Replacement	Warranty	13	
11/26/07	Saturn Service Invoice	15	12 Volt Battery Drain	Warranty		
			Vehicle Tow - No Start	Warranty	13	
04/15/08	Saturn Service Invoice		Battery No-Charge	Warranty	18	
04/28/08	Saturn Work Order	3	Battery Dead			
			Engine - Alternator Failure			
			Vehicle Jump-Start	Warranty	18	
	<b>Sub-Total (Service Costs)</b>			0.00		
	Total Saturn Downtime (Days)	<b>61</b>	Hybrid Downtime Expense (Mortgage, Insurances, Taxes)	<b>6,886.03</b>		
06/02/08	GM- Vehicle Repurchase	1	Saturn Settlement Letter	-24,227.77	20	
	<b>Total Saturn Vue Expenses</b>		<b>End Saturn Vue Operation</b>	<b>14,947.13</b>		
	<b>Total Expenses Without Buy-Back</b>			<b>39,174.90</b>		

1.6 Years (20 Months)

**9T31 Highlander Hybrid**

06/18/08	Toyota Purchase Invoice	2	Highlander Vehicle Purchase	45,258.90		A-Toyota
6/?/2008	Maaco Invoice	3	Hack-up: New Paint	1200.00		B-Hackup
6/?/2008	Taxi House Invoice	3	Hack-up: New Floor/Seat Covers	1050.00	1	B-Hackup
07/01/08	Metroshop Invoice	3	Hack-up: Change Meter Equip	385.77	2	B-Hackup
7/3/2008	Fordham Toyota Invoice	1	TLC: Running Board Installation	500.00		A-Toyota
<b>Total Vehicle Purchase Investment</b>		<b>12</b>		<b>48,394.67</b>		
02/18/09	Manhattan Toyota Invoice	3	Jump-Start, Battery Check	0.00	8	C-Toyota
03/06/09	Manhattan Toyota Invoice	2	Battery Replacement - Drain	Warranty	9	D-Toyota
10/05/09	Fordham Toyota Invoice	3	Vehicle Tow In/Out - Lost Power		16	
			Electrical Short - Decline Charges	989.00		
10/08/09	Hudson Toyota Invoice	7	Vehicle Tow - No Power			
			Inverter Replacement (1)	Warranty		E-Toyota
03/01/10	Hudson Toyota Invoice	4	Check Engine Light/Sensor Reset	414.12	22	F-Toyota
10/26/10	Fordham Toyota Invoice	1	Battery Replacement - Drain	195.82	29	G-Toyota
05/12/11	Hudson Toyota (Split) Invoice	4	Jump Start - No Power			
			Burn Smell; Battery Replacement	98.00	36	H-Toyota
09/24/11	Big Apple/D&I Tow Invoices	19	Vehicle Tows - No Power	555.00	40	I-Toyota
10/13/11	Joshi Auto Repair	3	Inverter Replacement (2)	5,500.00	41	J-Toyota
12/09/11	Manhattan Toyota (Split) Invoice	5	Hybrid Battery Warning - Danger	0.00	43	K-Toyota
02/27/12	Hudson Toyota Invoice	1	Hybrid Battery Warning - Danger	0.00	45	L-Toyota
03/06/12	Toyota Service Invoice	9	Hybrid Battery Replacement	5,262.43	46	M-Toyota
03/26/12	Toyota Service Invoice	26	Vehicle Tow - No Power			
			Prospective Transmission Charge	5,037.47	47	N-Toyota
04/19/12	Toyota Service Invoice		Inbound Charge (3/26 Tow)	211.03	47	O-Toyota
04/19/12	Big Apple/D&I Tow Invoices		Outbound Tow; T-fer to Queensboroc	604.00	47	P-Toyota
04/23/12	Queenboro Toyota	4	Repair Invoice	581.39	47	Q-Toyota
04/25/12	Moonlight Towing	2	Vehicle Tow - No Power	100.00	47	R-Toyota
<b>Total Hybrid Repairs</b>		<b>93</b>		<b>13,521.79</b>		

3.91 Years (47 Months)

06/16/09	Fordham Toyota Invoice	1	Tire Replacement	784.97	13	S-Toyota
06/30/10	Hudson Toyota Invoice		Accelerator Recall; 90K Service	524.59	25	T-Toyota
06/30/10	Hudson Toyota Invoice	1	Tire Replacement (2)	814.09	25	T-Toyota
03/21/11	Hudson Toyota Invoice	1	90k/M Service (Again) ?	1,094.72	34	U-Toyota
05/12/11	Hudson Toyota (Split) Invoice	4	Brakes (Rotors), Alignment			
			Suspension: Lower Arms	3,068.00	36	G-Toyota
12/09/11	Manhattan Toyota (Split) Invoice	5	Hybrid Battery Warning - Danger			
			Brakes (Calipers, Rotors): Damaged/Seized			
			Struts, Sway Bar, Bushings: Cracked, Blown	5,500.00	43	K-Toyota
03/04/12	H&Q Auto Repair		Brakes: Total Replacement	120.00	46	T-Toyota
	<b>Total Additional Highlander Expenses</b>	<b>3</b>		<b>11,906.37</b>		
	Total Highlander Downtime (Days)	<b>96</b>	Hybrid Downtime Expense (Mortgage, Insurances, Taxes)	<b>15,849.14</b>		
	<b>Total Toyota Highlander Expenses</b>		<b>End Highlander Operation</b>	<b>89,671.97</b>		

**9T31 Toyota Camry Hybrid**

05/25/11 Toyota Purchase Invoice  
05/25/11 Metroshop Equipment Install  
6/?/2008 Maaco & Other Shop Invoices  
07/01/08 Metroshop Invoice  
7/3/2008 DMV, TLC Registration Expenses  
**Total Vehicle Purchase Investment**

Camry Vehicle Purchase **24,975.00**  
Hack-up: GPS, PIM, DIM Equip 1368.00  
Hack-up: Paint & Floors 1475.00  
Hack-up: Change Meter Equip 385.77  
TLC: Running Board Installation 704.00  

---

**28,907.77**

1  
2

**Total 9T31 Medallion Hybrid Expenses**

**133,526.87**



David Yassky, Commissioner

Meera Joshi  
Deputy Commissioner/General Counsel  
Legal Affairs  
33 Beaver Street, 22<sup>nd</sup> Floor  
New York, NY 10004  
1 212 676 1135 tel  
1 212 676 1102 fax

June 21, 2012

Placida Robinson  
Nine T Thirty One Shearn Corporation  
2238 7<sup>th</sup> Ave., # 5  
New York, NY 10027-7842

Re: Your letter of May 30, 2012

Dear Ms. Robinson:

Thank you for your letter of May 30, 2012 to which I have been asked to reply. While your letter sets forth in detail the difficulties you have experienced, it appears that you have two overall concerns.

First, it appears that you wish to be relieved of the requirement that the medallion you purchased be hacked up with either a vehicle powered by either compressed natural gas or a hybrid electric vehicle. Unfortunately, this restriction cannot be waived because, among other things, it does not arise merely from application of the Commission's rules. The local law authorizing the issuance of the medallion you purchased requires that your medallion be used with such a vehicle. See section 19-532(b) of the Administrative Code of the City of New York, which governs the issuance of the medallion you purchased. When you purchased your medallion, you purchased the medallion subject to this requirement and your license to operate a taxicab is valid only with such a vehicle. Of course, you are free to select for purchase any vehicle approved for use with your type of medallion. And please note that, because of the restrictions on your medallion, it is not presently contemplated that the taxi of tomorrow vehicle (which is neither hybrid electric nor CNG-powered) will be eligible for use with your medallion.

While I cannot offer you the relief you seek, you remain free to sell your medallion, if you choose not to operate with the restrictions imposed with the ownership of 9T31. Not all medallions currently issued and outstanding are subject to either the owner must driver requirements or to the requirement that the vehicle hacked up with the medallion be a hybrid or CNG vehicle. You could, after selling your medallion, acquire medallions free of either or both restrictions.

I hope that this has been helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher C. Wilson". The signature is written over a horizontal line and is somewhat stylized with loops and flourishes.

Christopher C. Wilson  
Assistant General Counsel

# Law Office of Robert A. Tandy, LLC

Attorney at Law  
One Paragon Drive  
Suite 159  
Montvale, New Jersey 07645

ROBERT A. TANDY\*  
7103

7101

[rtandy@tandyllc.com](mailto:rtandy@tandyllc.com)  
\*Member of NJ & NY Bar

Telephone: (201) 474-

Facsimile: (201) 474-

July 10, 2012

Toyota Motor Sales, U.S.A., Inc.  
19001 South Western Avenue  
Torrance, CA 90501

**ATTN: Toyota Customer Experience**

**Re: Nine T Thirty One Shearn Corporation v. Toyota Motor Sales, U.S.A., et als.**

To whom it may concern:

This firm has been retained by Nine T Thirty One Shearn Corporation, the owner of a 2008 Toyota Highlander Hybrid automobile bearing Vehicle Identification Number ("VIN") JTEEW44A282014766 (the "Automobile"), to investigate potential claims against Toyota Motor Sales, U.S.A. and others for consumer fraud, breach of express and implied warranties, breach of duty of good faith and fair dealing, negligent misrepresentation, unjust enrichment, common law fraud and injunctive relief. This letter is for settlement purposes only and shall not be used as evidence in any administrative and/or legal proceeding.

Additionally, this letter serves as formal notice of an intention to initiate and/or file litigation should the parties fail to reach an appropriate resolution. To that end, kindly remind and/or notify all owners, directors, officers, employees, representatives and/or agents of Toyota Motor Sales, information technology employees and agents who have or may have control over, possession of or access to data or documents (paper and electronic) that they are required to preserve all documents and evidence that may be relevant to Nine T Thirty One Shearn Corporation's claims in light of the impending litigation. The term "documents" shall include, but not be limited to, any documentation, completed and/or in progress, relating to problems concerning 2008 Toyota Highlander Hybrid automobiles. Specifically, any and all problems concerning and/or attributable to

the hybrid battery, the transmission (transaxle), or the inverter generators, i.e., the three components of the 2008 Toyota Highlander Hybrid's high-voltage electrical system.

The term "documentation" shall include, but not be limited to e-mail communications, electronic files, electronic backup tapes, optical disks, email attachments, hard drives, directories, computer files, temporary computer files, computer programs, files, records, notes, summaries, schedules, contracts, agreements, drawings, sketches, orders, diaries, calendars, interview notes, reports, investigations and investigation notes, memoranda, telephone logs, letters, cards, employment manuals, telegrams, telexes, faxes, cables, tapes, transcripts, audio recordings, correspondence, photographs, evaluation reports, progress reports, disciplinary action notices or any written materials of any nature. As such, any corporate, divisional, or other Company policy that calls for periodic document destruction, deletion, or overwriting must immediately be suspended with respect to documents relevant to Nine T Thirty One Shearn Corporation's claims. Moreover, employees must not, under any circumstances, delete or "double delete" any electronic communications, past, current or future, which references problems concerning all problems concerning and/or attributable to the hybrid battery, the transmission (transaxle), or the inverter generators on the 2008 Toyota Highlander Hybrid automobiles.

Should it be necessary to commence litigation, Nine T Thirty One Shearn Corporation will allege the following set of facts to substantiate its claims:

- On or about July 3, 2008, Nine T Thirty One Shearn Corporation purchased a brand new 2008 Toyota Highlander Hybrid automobile bearing Vehicle Identification Number ("VIN") JTEEW44A282014766 (the "Automobile") for a purchase price of \$48,394.67, plus accessories. The Automobile carried a NYS warranty of 5 years or 60,000 miles for "Power Train" component parts defined as the "engine, transmission, drive shaft and drive train (planetary split gear: MG1 and MG2 front / rear axle wheel motors)" and a NYS warranty of 8 years or 100,000 miles for "Hybrid System" component parts defined as the "inverter, converter and hybrid battery." The Toyota Technical Information Systems Manual for the Automobile provides the transmission to be an electrical component part of the hybrid system.
- On or about August 1, 2008, Nine T Thirty One Shearn Corporation deployed the Automobile for full-time service as a New York City hybrid taxicab under New York City TLC Medallion Rate Card #9T31.
- On or about February 18, 2009, just six months after deployment, the Automobile would not start and was serviced for "jump start" and "battery check."
- On or about March 6, 2009, the Automobile was again serviced at a Toyota Authorized Service Center for "battery drain," and "battery replacement."

- On or about October 5, 2009, the Automobile was towed to a Toyota Authorized Service Center for an "electrical short," and repaired.
- On or about October 8, 2009, the Automobile was again towed to a Toyota Authorized Service Center for "no power" and "inverter replacement," under manufacturer warranty.
- On or about March 1, 2010, the Automobile was serviced for a "check engine" light and "sensor reset."
- On or about October 26, 2010, the Automobile was again serviced at a Toyota Authorized Service Center for "battery replacement" and "battery drain."
- On or about May 12, 2011, the Automobile was again serviced at a Toyota Authorized Service Center for "jump start," "no power," "burning smell" and "battery replacement."
- On or about October 13, 2011, the Automobile was serviced at a non-Toyota Service Center for a second "inverter replacement."
- On or about December 9, 2011, the Automobile was serviced at a Toyota Authorized Service Center for "hybrid battery warning -- danger."
- On or about February 27, 2012, the Automobile was again serviced at a Toyota Authorized Service Center for "hybrid battery warning -- danger."
- On or about March 6, 2012 through March 15, 2012, the Automobile was serviced at a Toyota Authorized Service Center for "hybrid battery replacement," at a cost of Five Thousand Two Hundred Sixty Two Dollars and Forty-Three Cents (\$5,262.43).
- On or about March 26, 2012, the Automobile was towed back to the same Toyota Authorized Service Center for "no power," "hybrid battery warning -- danger," however, Toyota Authorized Service Center advised Nine T Thirty One Shearn Corporation the March 6, 2012 "hybrid battery repair" was successful.
- On or about March 26, 2012, Nine T Thirty One Shearn Corporation was also advised the new, inoperable condition was caused by an unspecified defect. Nine T Thirty One Shearn Corporation inquired about and Toyota Authorized Service Center offered no restitution for the hybrid battery expense.
- On or about March 30, 2012, Toyota Authorized Service Center advised Nine T Thirty One Shearn Corporation the inoperable condition was caused by "a defective transmission," and/or a "defective inverter." Toyota Authorized Service Center advised that Nine T Thirty One Shearn Corporation would be required, at



its expense, to replace the "transmission" first before analysis of any resulting defects in the inverter could be obtained.

- On or about April 6, 2012, Toyota Authorized Service Center advised Nine T Thirty One Shearn Corporation the required out-of-pocket cost of \$5,000 for the transmission and \$10,000 for the inverter was necessary to make the vehicle functional again. The Toyota Authorized Service Center also referred to "the timing," of the March 6, 2012 "hybrid battery replacement" as "unfortunate."
- On or about April 6, 2012, the Toyota Authorized Service Center blamed Nine T Thirty One Shearn Corporation for the necessity to repair the inverter, citing it had replaced the inverter earlier, at a non-Toyota repair center.
- On or about April 7, 2012, Toyota Authorized Service Center advised Nine T Thirty One Shearn Corporation that the Automobile's inoperable condition was due to the "transmission" and that electrical tests indicated the inverter was in sound operating condition. The cost for repair was estimated to be at least \$5,037.47 to replace the transmission to make the vehicle functional again.
- On or about April 19, 2012, Nine T Thirty One Shearn Corporation declined to expend any additional sums for the apparently questionable diagnoses and/or proposed repairs and requested receipt of the Automobile and had the automobile towed to Queensboro Toyota.
- On or about April 19, 2012, Queensboro Toyota diagnosed the Automobile's failure as "loose wires" inside the inverter and repaired the Automobile for \$372.00.

The above facts provide an inference of statutory and common law claims. Nine T Thirty One Shearn Corporation would prefer this matter be resolved in a non-adversarial manner. In the hopes that Toyota Motor Sales, U.S.A. wishes to address these issues, this firm will defer initiating litigation for fourteen (14) days. I invite the appropriate representative for Toyota Motor Sales, U.S.A. to contact the undersigned.

Thank you for your anticipated cooperation and we look forward to hearing from your representative.

Very truly yours,

ROBERT A. TANDY

## Check for Recalls, "Secret Warranties" Before Paying for Major Car Repairs

By ELISABETH LEAMY ABC News Consumer Correspondent  
Jan. 23, 2012—

go.com

### How to Ask the Right Questions Before Repairing Your Car

Once again, you, the readers, have done my work for me! I love when people write to me with intriguing consumer questions that will help others as well. Here's a great example.

**Q:** I purchased a 2006 Toyota Highlander SUV Hybrid in Dec 2005 first Generation. My car has 166,000 miles on it. The SUV stop running without any warning as I proceeded on a Sunday morning going to volunteer for the Avon breast Cancer Walk. I conduct regular maintenance checks on my vehicle. I was quite surprised to learn that the part cost over \$9,000 to replace --not including labor. The part to replace is called the "inverter assembly." I proceeded to conduct research and found a class action lawsuit against Toyota for the same make, model and year as mine. I was quite surprised to see this is a common problem with this part once you reach more than 100,000 miles. I seek help with getting Toyota to pay for the part. ~YW, Maryland

**A:** Soon after I received this question, I learned that Toyota had done the right thing and recalled these and other Toyota vehicles to repair the problem. Here are the key parts of the recall notice, filed with NHTSA, the National Highway Traffic Safety Administration, to give you an idea what they look like:

Vehicle Make / Model: LEXUS / RX400H, Model Year(s): 2006-2007 TOYOTA / HIGHLANDER HYBRID, Model Year(s): 2006-2007 NHTSA CAMPAIGN ID Number: 11V342000

NHTSA Action Number: PE11005

Potential Number of Units Affected: 82,273

**Summary:** TOYOTA IS RECALLING CERTAIN MODEL YEAR 2006-2007 HIGHLANDER HYBRID AND LEXUS RX400H PASSENGER CARS MANUFACTURED FROM FEBRUARY 16, 2005, THROUGH AUGUST 30, 2006. A MODULE INSIDE THE INVERTER MODULE MAY CONTAIN INADEQUATELY SOLDERED TRANSISTORS THAT DURING HIGH-LOAD DRIVING, MAY BE DAMAGED BY HEAT CAUSED BY THE LARGE CURRENT. IF THIS OCCURS, VARIOUS WARNING LAMPS, INCLUDING THE MALFUNCTION INDICATOR LAMP, SLIP INDICATOR LIGHT, BRAKE SYSTEM WARNING LIGHT, AND MASTER WARNING LIGHT, WILL BE ILLUMINATED ON THE INSTRUMENT PANEL.

**Consequence:** THE VEHICLE MAY ENTER A FAIL-SAFE/LIMP-HOME MODE THAT LIMITS THE DRIVABILITY OF THE VEHICLE. IT IS POSSIBLE THAT THE HYBRID SYSTEM WILL SHUT DOWN WHILE THE VEHICLE IS BEING DRIVEN, CAUSING THE VEHICLE TO STALL UNEXPECTEDLY, INCREASING THE RISK OF A CRASH.

Remedy: TOYOTA/LEXUS MAILED AN INTERIM OWNER NOTIFICATION ON JULY 19, 2011 TO ADVISE OWNERS OF THIS RECALL AND THE FACT THAT THEY WILL RECEIVE A FUTURE NOTICE WHEN PARTS BECOME AVAILABLE TO COMPLETE REPAIRS. TOYOTA DEALERS WILL INSPECT THE HYBRID INVERTER PRODUCTION NUMBER TO DETERMINE WHETHER THE INVERTER CONTAINS SUSPECT TRANSISTORS AND REPLACE THE MODULE FREE OF CHARGE.

The recall process is not perfect. There is an understandable lag time during which manufacturers try to figure out whether there really is a systemic problem with all vehicles of this make and model in a particular year. During that time, vehicle owners faced with big bills can get frustrated, as this Maryland consumer did.

So here's what you need to do. If your car breaks down and a mechanic tells you it's a big, expensive, complicated repair, start asking questions before you allow the work to go forward. Ask whether it's understandable that this repair would come up at this point in your vehicle's life. If it's not typical of normal wear and tear, get on the Internet and start searching. Search the name of your make and model and the words "complaint," "lawsuit," "class action," "recall," "service bulletin" "service campaign" and "secret warranty."

You may find, as this motorist did, that there is a class action lawsuit over the flaw that your car is exhibiting. Or you may find that a recall has already commenced and you weren't alerted. This often happens if you are not the original owner.

There is also a gray area in between that you may come across. Sometimes when a manufacturer knows many of its cars are having the same problem, but isn't yet sure that it's a full-fledged epidemic, it will alert its dealers that it will pay for the repair if customers gripe about it. The slang for this practice is "secret warranty" because you often won't know about it unless you ask.

As you can imagine, the people in the auto industry don't call them "secret warranties." They say "goodwill adjustment," "warranty adjustment" and "after warranty assistance." They also refer to them as "extended warranties," because your car does not have to be in its initial factory warranty period to be covered –great news for you.

The reason I suggested you search the term "service bulletin" is that this is one way to find secret warranties. They are notices that are sent from manufacturers to dealers , and are also sometimes called "technical service bulletins" or "service campaigns." Here are three places to find them:

Auto website Edmunds.com has a listing, [Click here](#)

The Center for Auto Safety, a consumer rights group, also has a partial list here.

AllData, which provides education and software to mechanics, does too, but for a fee: [Click here](#)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

METROPOLITAN TAXICAB BOARD OF TRADE;  
MIDTOWN OPERATING CORP.; SWEET IRENE  
TRANSPORTATION CO. INC.; OSSMAN ALI; and  
KEVIN HEALY,

Plaintiffs,

-against-

CITY OF NEW YORK; MICHAEL R. BLOOMBERG,  
in his official capacity as Mayor of the City of New York;  
THE NEW YORK CITY TAXICAB & LIMOUSINE  
COMMISSION ("TLC"); MATTHEW W. DAUS, in his  
official Capacity as Commissioner, Chair, and Chief  
Executive Officer of the TLC; PETER SCHENKMAN,  
in his official capacity as Assistant Commissioner of the TLC  
for Safety & Emissions; and ANDREW SALKIN, in his  
official capacity as First Deputy Commissioner of the TLC,

Defendants.

08 Civ. 7837 (PAC)

OPINION & ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

The Metropolitan Taxicab Board of Trade, Midtown Operating Corp., Sweet Irene Transportation Co., Inc., Ossman Ali, and Kevin Healy ("Plaintiffs") bring this action for a preliminary or permanent injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for summary judgment pursuant to Rule 56(a). Plaintiffs argue that the New York City Taxicab & Limousine Commission's regulations requiring all new taxicabs to have a minimum 25 mile-per-gallon ("mpg") city rating by October 1, 2008, and a minimum 30 mpg city rating by October 1, 2009, are preempted under federal laws reserving regulation of fuel economy and emissions standards to federal agencies. Plaintiffs claim that they will be irreparably harmed by

*Joseph Law  
212 407-1200  
465 Lexington  
30 PL*

1

*212 427 3665  
120 E. 90 ST  
10C  
NYC 10028*

*BREACH  
FIDUCIARY  
TORTIOUS INTERFERENCE  
CONVERSION  
DESP BUS PRAES  
EQUIT REMEDIES  
ADDITIONAL " "*

this regulation because compliance will cause substantial costs which they cannot recover. The Court finds that Plaintiffs have standing to bring this action; that they will be irreparably harmed; and that Plaintiffs have demonstrated a likelihood of success on the issue of preemption. The City's counterarguments are unconvincing. Accordingly, Plaintiffs' motion for a preliminary injunction is GRANTED. As for Plaintiffs' motion for summary judgment, the Court will not rule on summary judgment at this time. As anticipated by the Court's September 15, 2008 Order, the defendants will have 30 days from the time of this decision to answer or otherwise move with respect to Plaintiffs' complaint.<sup>1</sup>

## **BACKGROUND**<sup>2</sup>

### **I. The Parties**

The Plaintiffs in this action represent a full spectrum of the taxicab industry, from owner, to driver, to end user.<sup>3</sup> Plaintiff Metropolitan Taxicab Board of Trade ("MTBOT") is a 56-year-old trade association made up of yellow medallion taxi ("taxicab" or "taxi") fleets in New York City. MTBOT is the largest taxi fleet association in the United States, with 27 member fleets and more than 3,500 taxis. Plaintiff Midtown Operating Corp. ("Midtown") is a private yellow taxicab garage. Midtown leases taxis to more than 800 independent contractors on a double-shifted (24-hour) daily basis. Every car leased at Midtown is a Crown Victoria Long Wheel Base ("LWB"). Plaintiff Sweet Irene Transportation Co. Inc. is a private New York corporation

---

<sup>1</sup> This case has been fast-tracked since Plaintiffs filed the complaint on September 8, 2008. The Court held a conference with the parties on September 11, 2008, and the City agreed to adjourn the effective date of the regulations from October 1, 2008, to November 1, 2008. The Court set an expedited briefing schedule and held oral arguments on October 17, 2008. The September 15, 2008 Order did not contemplate Plaintiffs' summary judgment motion. Consistent with the parties' agreement and the Court order, the Defendants should be accorded a fair opportunity to answer Plaintiffs' complaint and take whatever discovery is necessary before any further motion practice.

<sup>2</sup> The facts in this section are derived from Plaintiff's complaint, the parties' statements of fact submitted pursuant to Local Rule 56.1, and supporting affidavits and exhibits, unless otherwise specified.

<sup>3</sup> Notably, taxi manufacturers are not among the plaintiffs here. Apparently they do not object to the TLC's regulations and, according to the City, they are eager to supply new vehicles that comply with the regulations. (See Declaration of Ramin Pejan ("Pejan Decl.") Ex. 10.)

## 2. Application

Plaintiffs argue that the 25/30 Rules should be preempted under the CAA because, even though the TLC rules regulate fuel economy, their purpose and effect is to regulate emissions, which is the exclusive province of the federal government. This argument would appear to be foreclosed under the reasoning of Green Mountain and Central Valley, where the courts found that GHG emissions regulations were not preempted by the EPCA because the regulations were not de facto fuel economy standards and because emissions regulations do not “relate to” fuel economy standards within the meaning intended by Congress in the EPCA preemption statute. See Green Mountain, 508 F. Supp. 2d at 353-54; Cent. Valley, 529 F. Supp. 2d at 1176.

In this case the argument is reversed—Plaintiffs claim that a fuel economy regulation should be preempted by the CAA, which exclusively governs emissions regulation. Plaintiffs have failed to show a likelihood of success on this issue because both Green Mountain and Central Valley make clear that the preemption provisions of the EPCA and the CAA relate specifically to their defined categories—fuel economy and emission regulation, respectively—and while they may overlap, they do not conflict. Thus, crossover between the two for preemption purposes is not automatic. Cent. Valley, 529 F. Supp. 2d at 1175. It follows that Plaintiffs here cannot simply stretch the CAA’s preemption provision for emissions regulation to cover the 25/30 Rules, which by their terms cover only mileage standards and are silent as to emissions.

Plaintiffs fail to show how the 25/30 Rules are a “standard relating to the control of emissions from new motor vehicles,” as required under the preemption provision of CAA § 209. At this stage of the proceedings the Court cannot accept Plaintiffs’ argument that the only purpose of the 25/30 Rules is to affect emissions. As indicated, the Court has limited its review

to the stated purpose of the rules, as published in the City Record, which is to “result in industry-wide gasoline savings of approximately \$60,000,000 per year. These savings are expected to increase the economic health of the industry by decreasing driver costs . . . and to further benefit the public by reducing upward pressure on taxicab fares.” (See Pejan Decl. Ex. 25 at 4989.) The rules say nothing about emissions. But even if emissions reduction is a consequence of the 25/30 Rules, it does not follow that the rules are necessarily a de facto regulation of emissions preempted by the CAA. See Cent. Valley, 529 F. Supp. 2d at 1176.

The Plaintiffs have not demonstrated a likelihood of success that the CAA expressly or impliedly preempts the 25/30 Rules. Plaintiffs have not shown that the rules are a “standard relating to the control of emissions from new motor vehicles or new motor vehicle engines,” 42 U.S.C. 7543(a), nor is it clear that Congress intended the CAA to preempt state or municipal fuel economy regulations where the regulations were not de facto emissions regulations. Accordingly, the Court cannot grant an injunction on the basis that the CAA preempts the TLC regulations on fuel economy standards.

CONCLUSION

The Court finds that Plaintiffs have standing, they will be irreparably injured because they are unable to recover the costs associated with compliance, and the Plaintiffs have demonstrated a likelihood of success of showing that the EPCA, 49 U.S.C. § 32919(a), preempts the TLC regulations. The City’s counterarguments do not convince the Court otherwise. Plaintiffs’ motion for a preliminary injunction is GRANTED.

Dated: New York, New York  
October 31, 2008

SO ORDERED

  
PAUL A. CROTTY

United States District Judge





1 Plaintiffs allege as follows:

2 **JURISDICTION AND VENUE**

3 1. This Court has jurisdiction over this action pursuant to the Class  
4 Action Fairness Act, 28 U.S.C. § 1332(d). The aggregated claims of the  
5 individual class members exceed the sum or value of \$5,000,000, exclusive of  
6 interests and costs, and this is a class action in which more than two-thirds of the  
7 proposed plaintiff class, on the one hand, and Defendant, on the other hand, are  
8 citizens of different states.

9 2. This Court has jurisdiction over Defendant because Defendant  
10 maintains its headquarters and principal place of business in California, is  
11 organized under the laws of the State of California, has sufficient minimum  
12 contacts with California, or otherwise intentionally avails itself of the markets  
13 within California, through promotion, sale, marketing and distribution of its  
14 vehicles in California, to render the exercise of jurisdiction by this Court proper  
15 and necessary. Moreover, Defendant's wrongful conduct (as described herein)  
16 emanates from California.

17 3. Venue is proper in this District under 28 U.S.C. § 1391, because  
18 Defendant resides in this District and a substantial part of the events or omissions  
19 giving rise to Plaintiff's claims occurred in this District.

20 **NATURE OF ACTION**

21 4. This action arises from Toyota's wilful marketing, distribution, and  
22 sale of 2006 Toyota Highlander Hybrid vehicles that Toyota knew had been  
23 manufactured with a defective inverter assembly that causes the vehicles to  
24 unexpectedly lose all motor power while they are being driven on the roads and  
25 highways, as well as Toyota's implementation of an unlawful "secret warranty"  
26 program.

27 ///

28 ///

**THE PARTIES**

1  
2 5. PLAINTIFF IRINA GAAL, M.D., is, and at all relevant times herein  
3 mentioned was:

- 4 a. a citizen of the State of California;  
5 b. a consumer who purchased a new 2006 Toyota Highlander  
6 Hybrid vehicle manufactured with a defective inverter  
7 assembly; and  
8 c. did not acquire knowledge of the defective inverter assembly  
9 until November 2010.

10 6. PLAINTIFF KARL GAAL, M.D., is, and at all relevant times herein  
11 mentioned was:

- 12 a. a citizen of the State of California;  
13 b. a consumer who purchased a new 2006 Toyota Highlander  
14 Hybrid vehicle manufactured with a defective inverter  
15 assembly; and  
16 c. did not acquire knowledge of the defective inverter assembly  
17 until November 2010.

18 7. DEFENDANT TOYOTA MOTOR SALES U.S.A., INC.

19 (“TOYOTA”) is a citizen of the State of California that is incorporated under the  
20 laws of the State of California and maintains its principal place of business at  
21 19001 South Western Avenue, Torrance, California 90501. TOYOTA is the  
22 corporate entity responsible for the sales, marketing, service, and distribution of  
23 Toyota vehicles, including the Toyota Highlander Hybrid, in the United States.

24 **CLASS ACTION ALLEGATIONS**

25 8. PLAINTIFFS brings this action on behalf of themselves and a class  
26 of persons defined as follows:

27 ///

28 ///

1 All natural persons in the United States who (i) own or lease a 2006  
2 Toyota Highlander Hybrid that was manufactured with a defective  
3 inverter assembly (the "CLASS VEHICLE(S)"); or (ii) currently or  
4 previously owned or leased a CLASS VEHICLE that experienced a  
failure of the inverter assembly and paid all or some of the cost to  
repair or replace the inverter assembly.

5 9. The aforementioned class is referred to herein as the PLAINTIFF  
6 CLASS, and excludes anyone employed by counsel for PLAINTIFF S and any  
7 Judge to whom this case is assigned, as well as his or her immediately family .

8 10. This action has been brought and may properly b e maintained on  
9 behalf of the PLAINTIFF CLASS proposed above pursuant to RULES 23(b)(1),  
10 (2), and (3) of the FEDERAL RULES OF CIVIL PROCEDURE.

11 11. TOYOTA has sold or leased approximately 44,000 CLASS  
12 VEHICLES in the United States, including many thousands of sales or leases  
13 within California. Accordingly, members of the PLAINTIFF CLASS are so  
14 numerous that their individual joinder in this action is impracticable. Class  
15 members may be notified of the pendency of this action by mail, supplemented by  
16 published notice if deemed necessary or appropriate by the Court.

17 12. Common questions of law and fact exist as to all members of the  
18 PLAINTIFF CLASS and predominate over questions affecting only individual s.  
19 These common questions include the following:

- 20 ✓ (a) Whether CLASS VEHICLES suffer from a defect in the  
21 inverter assembly;
- 22 ✓ (b) Whether the defect constitutes an unreasonable safety risk;
- 23 ✓ (c) When DEFENDANT first became aware of the defect;
- 24 ✓ (d) Whether DEFENDANT failed to notify owners and lessees of  
25 CLASS VEHICLES about the presence of the defect;
- 26 ✓ (e) Whether DEFENDANT had a duty to notify owners and  
27 lessees of CLASS VEHICLES about the presence of the  
28 defect;

1 to protect their interests; and

2 (c) DEFENDANT has acted or refused to act on grounds generally  
3 applicable to the PLAINTIFF CLASS, thereby making  
4 appropriate final injunctive relief or corresponding declaratory  
5 relief with respect to the PLAINTIFF CLASS as a whole.

6 **SUBSTANTIVE ALLEGATIONS**

7 17. TOYOTA manufactures, markets, distributes, and sells Toyota  
8 vehicles to consumers in the United States .

9 18. In or about June 2005, TOYOTA began selling the 2006 Toyota  
10 Highlander Hybrid Vehicle ("Highlander HV") in the United Sates. The 2006  
11 Highlander HV was Toyota's first generation of gasoline-electric hybrid versions  
12 of the Highlander sold in the United States.

13 19. A central component of the Highlander HV is the electrical inverter  
14 assembly, which changes the DC current from the vehicle's NiMH battery into  
15 AC current that powers the vehicle's motor .

16 20. TOYOTA was aware that the inverter assembly installed in the first  
17 production of Highlander HVs was defective, and began installing an updated  
18 inverter assembly in Highlander HVs beginning with VIN num ber  
19 JTEDW21A060009725 for two-wheel drive vehicles and VIN number  
20 JTEEW21A660019910 for four-wheel drive vehicles.

21 21. TOYOTA did not recall or otherwise replace or repair the defective  
22 inverter assembly in Highlander HVs manufactured prior to TOYOTA's decision  
23 to begin using the updated inverter assembly.

24 22. On or about March 2, 2006, TOYOTA issued Technical Service  
25 Bulletin ("TSB") number EG017-06, which advised those who service TOYOTA  
26 vehicles of the existence of the defective inverter assembly. TOYOTA'S  
27 recommended repair procedure was to replace the defective inverter with an  
28 updated assembly, but only in response to "a customer's specific complaint."

1 23. TOYOTA did not take any efforts to notify owners or prospective  
2 buyers of Highlander HVs that many of the vehicles had been manufactured with  
3 a knowingly defective inverter assembly.

4 24. In or about July 2005, PLAINTIFFS Irina Gaal, M.D., and her  
5 husband Karl Gaal, M.D., purchased a 2006 Highlander HV from Carson Toyota,  
6 located at 1333 E. 223rd Street, Carson, California.

7 25. PLAINTIFFS' Highlander HV was one of the many thousands that  
8 had been manufactured with the defective inverter assembly. However, at the  
9 time they purchased their Highlander HV, neither PLAINTIFF was aware that the  
10 vehicle had been manufactured with the defective component.

11 26. On or about November 22, 2010, Dr. Karl Gaal was driving  
12 PLAINTIFFS' 2006 Highlander HV on the 605 freeway in California at  
13 approximately 60 miles per hour when the defective inverter assembly suddenly  
14 failed. This failure caused the vehicle to lose engine power and the ability to  
15 accelerate or even maintain the vehicle's speed.

16 27. Fortunately, Dr. Karl Gaal was able to manoeuvre the vehicle to the  
17 side of the highway without a collision. PLAINTIFFS' vehicle would not restart  
18 and had to be towed to the nearest Toyota dealership, which was Toyota of  
19 Whittier, located at 14577 East Whittier Boulevard, Whittier, CA 90605.

20 28. The technicians at Toyota of Whittier ran a diagnostic examination of  
21 PLAINTIFFS' vehicle, and determined that the inverter assembly had failed and  
22 needed to be replaced. The total cost of the diagnosis and inverter assembly  
23 replacement was over \$9,000.

24 29. PLAINTIFFS contacted TOYOTA's customer service department in  
25 Torrance, California, to notify TOYOTA of the dangerous defect and request that  
26 TOYOTA pay for the cost of repairing the vehicle, given that the defect posed a  
27 clear safety issue. TOYOTA responded that the vehicle was no longer under  
28 warranty, and therefore PLAINTIFFS would be responsible for paying all repair

1 and replacement costs. After repeated requests by PLAINTIFFS, TOYOTA  
2 eventually agreed to pay for \$2,500 of the cost of the inverter assembly  
3 replacement. PLAINTIFFS were forced to pay the balance of \$6,549.79 out of  
4 pocket. PLAINTIFFS also incurred the expense of paying for a rental car while  
5 their Highlander HV was being repaired.

6 30. PLAINTIFFS are informed and believe, and based on that  
7 information and belief allege, that TOYOTA has a program or policy under which  
8 it pays for part or all of repair expenses associated with the defective inverter  
9 assembly for CLASS VEHICLES that are outside of the warranty period. This  
10 program or policy effectively extends the warranty on CLASS VEHICLES  
11 beyond the stated limit and/or offers payment for all or part of the cost of repairing  
12 a condition that may substantially affect vehicle durability, reliability, and/or  
13 performance.

14 31. TOYOTA adopted its adjustment policy at least 91 days ago, but has  
15 failed to (i) notify by first-class mail, or otherwise, all affected owners of CLASS  
16 VEHICLES of the adjustment program and its terms and conditions; (ii) provide  
17 coverage under the adjustment program to all owners of CLASS VEHICLES; (iii)  
18 reimburse owners of CLASS VEHICLES for repairs or other expenses, including  
19 the replacement of the defective inverter assembly; and (iv) notify its dealers, in  
20 writing, of all terms and conditions of the adjustment program.

21 32. On February 15, 2011, the National Highway Traffic Safety  
22 Administration ("NHTSA") opened an investigation into the inverter assembly  
23 failures in CLASS VEHICLES. NHTSA has noted an "increasing trend" in the  
24 number of complaints of inverter assembly failure in CLASS VEHICLES, and  
25 that approximately two-thirds of complaints reported inverter failures and loss of  
26 power when the vehicles were being driven at speeds in excess of 40 miles per  
27 hour.

28 ///

1 **FIRST CLAIM FOR RELIEF FOR**  
2 **UNLAWFUL, UNFAIR, AND FRAUDULENT BUSINESS PRACTICES**

3 **[CAL. BUS. & PROF. CODE § 17200, et seq.]**

4 33. PLAINTIFFS re-allege and incorporate by reference, each and every  
5 allegation contained in paragraphs 1 through 32.

6 34. PLAINTIFFS bring this claim for relief on behalf of themselves and  
7 the members of the PLAINTIFF CLASS.

8 35. DEFENDANT'S business acts and omissions alleged herein  
9 constitute unlawful, unfair, and/or fraudulent trade practices, in violation of the  
10 Unfair Competition Law, CALIFORNIA BUSINESS & PROFESSIONS CODE § 17000, *et*  
11 *seq.*

12 36. DEFENDANT, as set forth in this Complaint, *supra*, engaged in  
13 unlawful, unfair, and fraudulent business practices, consisting of acts and  
14 omissions that include, but are not limited to:

- 15 ✓ a. Fraudulent concealment of material facts, when DEFENDANT
- 16 had an affirmative duty to disclose those facts to consumers,
- 17 including PLAINTIFFS and the PLAINTIFF CLASS;
- 18 ✓ b. Failure to disclose to consumers that the inverter assembly is
- 19 dangerously defective and may cause of complete loss of
- 20 motor power in CLASS VEHICLES while the vehicles are
- 21 being driven;
- 22 c. Violating the Motor Vehicle Warranty Adjustment Programs
- 23 Act, CAL. CIV. CODE § 1795.90, *et seq.*; and
- 24 d. Violating the Consumer Legal Remedies Act, CAL. CIV. CODE
- 25 § 1750, *et seq.*

26 37. As a direct and proximate result of these acts and omissions,  
27 PLAINTIFFS and the PLAINTIFF CLASS are informed and believe, and based  
28 upon that information and belief allege, that the DEFENDANT was able to

1 ✓ unfairly compete with other automobile manufacturers .

2 38. PLAINTIFFS and the PLAINTIFF CLASS are informed and believe,  
3 and based upon that information and belief allege , that DEFENDANT performed  
4 the above-mentioned acts with the intent of gaining an unfair competitive  
5 advantage and thereby injuring PLAINTIFFS, the PLAINTIFF CLASS, other  
6 competitors, and the general public.

7 39. The benefit to DEFENDANT in obtaining higher profits is  
8 outweighed by the immoral, unethical , oppressive, unscrupulous, and substantially  
9 injurious practice of marketing and selling vehicles equipped with a defective side  
10 curtain airbag system. Had DEFENDANT honestly disclosed their practices,  
11 consumers, including PLAINTIFFS and the PLAINTIFF CLASS, would have had  
12 the opportunity to freely choose another vehicle.

13 40. PLAINTIFFS and the PLAINTIFF CLASS suffered monetary injury  
14 in fact as a direct result of DEFENDANT'S wrongful conduct. Specifically,  
15 PLAINTIFFS and the PLAINTIFF CLASS suffered monetary injury when they  
16 paid the price for a non-defective CLASS VEHICLE vehicle, while receiving a  
17 vehicle worth less money as the result of the dangerous ly defective inverter  
18 assembly. PLAINTIFFS and the PLAINTIFF CLASS also suffered monetary  
19 injury in fact when they were forced to pay for some or all of the cost of replacing  
20 the inverter assembly that DEFENDANT knew was defective.

21 41. As a result of DEFENDANT'S unlawful, unfair, fraudulent, and/or  
22 deceptive acts and/or omissions, the unlawful profits there from will not be  
23 completely and fully restored to the rightful owners without equitable orders of  
24 injunction and restitution, as properly determined pursuant to statute, including  
25 CALIFORNIA BUSINESS & PROFESSIONS CODE § 17203, and other applicable law.

26 42. PLAINTIFFS and the PLAINTIFF CLASS are entitled to equitable  
27 relief, including disgorgement of all profits DEFENDANT earned because of its  
28 ~~unlawful, unfair, and fraudulent practices; attorneys' fees and costs; and~~



1 declaratory relief.

2 43. Pursuant to CALIFORNIA BUSINESS & PROFESSIONS CODE § 17203,  
 3 PLAINTIFFS and the PLAINTIFF CLASS seek a judicial order directing  
 4 DEFENDANT to notify all identifiable owners and lessees of CLASS VEHICLES  
 5 of the danger of an unexpected failure of the inverter assembly, and to make a full  
 6 and complete disclosure to potential purchasers or lessees of CLASS VEHICLES  
 7 of the danger of an unexpected failure of the inverter assembly .

8 **SECOND CLAIM FOR RELIEF FOR**  
 9 **VIOLATION OF CONSUMER LEGAL REMEDIES ACT**

10 **[CAL. CIV. CODE § 1750, et seq.]**

11 44. PLAINTIFFS re-allege and incorporate by reference, each and every  
 12 allegation contained in paragraphs 1 through 26.

13 45. PLAINTIFFS bring this claim for relief on behalf of themselves and  
 14 the members of the PLAINTIFF CLASS.

15 46. Each DEFENDANT is a “person,” as defined by CALIFORNIA CIVIL  
 16 CODE § 1761(c), and each PLAINTIFF and member of the PLAINTIFF CLASS is  
 17 a “consumer,” as defined by CALIFORNIA CIVIL CODE § 1761(d).

18 47. The CLASS VEHICLES are “goods,” as defined by CALIFORNIA  
 19 CIVIL CODE § 1761(a), and the sale or lease of the CLASS VEHICLES to  
 20 PLAINTIFFS and the members of the PLAINTIFF CLASS constitutes a  
 21 “transaction,” as defined by CALIFORNIA CIVIL CODE § 1761(e).

22 48. DEFENDANT, as set forth in this Complaint, engaged in practices  
 23 proscribed under the Consumers Legal Remedies Act by, among other things: (a)  
 24 representing that the CLASS VEHICLES have characteristics, uses, or benefits  
 25 that they do not have; (b) representing that the CLASS VEHICLES were of a  
 26 particular standard or quality, when in fact they were of a lesser standard or  
 27 quality; (c) advertising the CLASS VEHICLES with intent not to sell them as  
 28 advertised; and (d) representing that the CLASS VEHICLES were supplied in

1 accordance with a previous representation when they were not.

2 49. DEFENDANT further violated the Consumers Legal Remedies Act  
3 by failing to disclose to potential purchases or lessees of CLASS VEHICLES that  
4 the inverter assembly is defective. PLAINTIFFS and the members of the  
5 PLAINTIFF CLASS would not have purchased or leased the CLASS VEHICLES  
6 if DEFENDANT had adequately disclosed information about the dangerous defect  
7 in the inverter system.

8 50. Pursuant to the provisions of the CALIFORNIA CIVIL CODE § 1780,  
9 PLAINTIFFS and the PLAINTIFF CLASS seek an order enjoining  
10 DEFENDANT from the unlawful practices described herein, a declaration that  
11 DEFENDANT'S conduct violates the Consumers Legal Remedies Act.

12 **PRAYER**

13 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:  
14 **ON ALL CLAIMS FOR RELIEF**

- 15 a. For Certification of the Plaintiff Class defined herein and  
16 appointment of Plaintiffs and their counsel to represent the Plaintiff  
17 Class;  
18 b. For declaratory relief; and,  
19 c. For an order enjoining Defendant from continuing the unlawful ,  
20 unfair, and fraudulent practices described herein.

21  
22 DATED: March 11, 2011

**ARIAS, OZZELLO & GIGNAC, LLP**

23  
24 By: \_\_\_\_\_

Mike Arias  
William F. Ferguson  
Denis M. Delja

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all issues so triable as a matter of right.

DATED: March 11, 2011

**ARIAS, OZZELLO & GIGNAC, LLP**

By: 

\_\_\_\_\_  
Mike Arias  
William F. Ferguson  
Denis M. Delja

The White House

Office of the Press Secretary

For Immediate Release

August 28, 2012

Obama Administration Finalizes Historic 54.5 MPG Fuel Efficiency Standards

*Consumer Savings Comparable to Lowering Price of Gasoline by \$1 Per Gallon by 2025*

WASHINGTON, DC – The Obama Administration today finalized groundbreaking standards that will increase fuel economy to the equivalent of 54.5 mpg for cars and light-duty trucks by Model Year 2025. When combined with previous standards set by this Administration, this move will nearly double the fuel efficiency of those vehicles compared to new vehicles currently on our roads. In total, the Administration's national program to improve fuel economy and reduce greenhouse gas emissions will save consumers more than \$1.7 trillion at the gas pump and reduce U.S. oil consumption by 12 billion barrels.

"These fuel standards represent the single most important step we've ever taken to reduce our dependence on foreign oil," said **President Obama**. "This historic agreement builds on the progress we've already made to save families money at the pump and cut our oil consumption.

By the middle of the next decade our cars will get nearly 55 miles per gallon, almost double what they get today. It'll strengthen our nation's energy security, it's good for middle class families and it will help create an economy built to last."

The historic standards issued today by the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) build on the success of the Administration's standards for cars and light trucks for Model Years 2011-2016. Those standards, which raised average fuel efficiency by 2016 to the equivalent of 35.5 mpg, are already saving families money at the pump.

Achieving the new fuel efficiency standards will encourage innovation and investment in advanced technologies that increase our economic competitiveness and support high-quality domestic jobs in the auto industry. The final standards were developed by DOT's National Highway Traffic Safety Administration (NHTSA) and EPA following extensive engagement with automakers, the United Auto Workers, consumer groups, environmental and energy experts, states, and the public. Last year, 13 major automakers, which together account for more than 90 percent of all vehicles sold in the United States, announced their support for the new standards.

By aligning Federal and state requirements and providing manufacturers with long-term regulatory certainty and compliance flexibility, the standards encourage investments in clean, innovative technologies that will benefit families, promote U.S. leadership in the automotive sector, and curb pollution.

---

"Simply put, this groundbreaking program will result in vehicles that use less gas, travel farther, and provide more efficiency for consumers than ever before—all while protecting the air we breathe and giving automakers the regulatory certainty to build the cars of the future here in

America," said Transportation Secretary Ray LaHood. "Today, automakers are seeing their more fuel-efficient vehicles climb in sales, while families already saving money under the Administration's first fuel economy efforts will save even more in the future, making this announcement a victory for everyone."

"The fuel efficiency standards the administration finalized today are another example of how we protect the environment and strengthen the economy at the same time," said EPA Administrator Lisa P. Jackson. "Innovation and economic growth are already reinvigorating the auto industry and the thousands of businesses that supply automakers as they create and produce the efficient vehicles of tomorrow. Clean, efficient vehicles are also cutting pollution and saving drivers money at the pump."

The Administration's combined efforts represent the first meaningful update to fuel efficiency standards in decades. Together, they will save American families more than \$1.7 trillion dollars in fuel costs, resulting in an average fuel savings of more than \$8,000 by 2025 over the lifetime of the vehicle. For families purchasing a model Year 2025 vehicle, the net savings will be comparable to lowering the price of gasoline by approximately \$1 per gallon. Additionally, these programs will dramatically reduce our reliance on foreign oil, saving a total of 12 billion barrels of oil and reducing oil consumption by more than 2 million barrels a day by 2025 – as much as half of the oil we import from OPEC each day.

The standards also represent historic progress to reduce carbon pollution and address climate change. Combined, the Administration's standards will cut greenhouse gas emissions from cars and light trucks in half by 2025, reducing emissions by 6 billion metric tons over the life of the program – more than the total amount of carbon dioxide emitted by the United States in 2010.

President Obama announced the proposed standard in July 2011, joined by Ford, GM, Chrysler, BMW, Honda, Hyundai, Jaguar/Land Rover, Kia, Mazda, Mitsubishi, Nissan, Toyota, and Volvo, as well as the United Auto Workers. The State of California and other key stakeholders also supported the announcement and were integral in developing this national program.

In achieving these new standards, EPA and NHTSA expect automakers' to use a range of efficient and advanced technologies to transform the vehicle fleet. The standards issued today provide for a mid-term evaluation to allow the agencies to review their effectiveness and make any needed adjustments.

Major auto manufacturers are already developing advanced technologies that can significantly reduce fuel use and greenhouse gas emissions beyond the existing model year 2012-2016 standards. In addition, a wide range of technologies are currently available for automakers to meet the new standards, including advanced gasoline engines and transmissions, vehicle weight reduction, lower tire rolling resistance, improvements in aerodynamics, diesel engines, more efficient accessories, and improvements in air conditioning systems. The program also includes targeted incentives to encourage early adoption and introduction into the marketplace of advanced technologies to dramatically improve vehicle performance, including:

- Incentives for electric vehicles, plug-in hybrid electric vehicles, and fuel cells vehicles;
- Incentives for hybrid technologies for large pickups and for other technologies that achieve high fuel economy levels on large pickups;
- Incentives for natural gas vehicles;
- Credits for technologies with potential to achieve real-world greenhouse gas reductions and fuel economy improvements that are not captured by the standards test procedures.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JANOVICS JONATHAN

Address: 06-15 WETHERS ST.

I represent: MYSELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923 Res. No. \_\_\_\_\_

in favor  in opposition

Date: Nov 26, 12

(PLEASE PRINT)

Name: Jose Altamirano

Address: 218 E 116 ST NY NY 10029

I represent: Livery Base Owners Association

Address: 1624 1st. Nichole Ave NY, NY 10040

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 929-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: R. Roberto Nuñez

Address: \_\_\_\_\_

I represent: myself - NYC Taxi Driver

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. A11B115 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ETHAN GIBSON

Address: \_\_\_\_\_

I represent: Greater NY Taxi Assoc

Address: 26 COURT ST BRIN

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 09292012

in favor  in opposition

Date: 11/26/12

(PLEASE PRINT)

Name: VINCENT SAPONIE

Address: 50-24 QUEENS BLVD WOODSIDE

I represent: LDMTO

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0923, 929A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/26/2012

(PLEASE PRINT)

Name: David Pollack

Address: 2316 Jackson Avenue, L.I.C., NY 11001

I represent: Committee for Taxi Safety

Address: same

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. 929 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Peter Mazer

Address: 24-16 Queens Plaza South LIC, NY 11101

I represent: Metropolitan Taxical Board of Trade

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923<sup>(2012)</sup> Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/26/2012

(PLEASE PRINT)

Name: PLACIDA N. ROBINSON - M.D # 9231

Address: 2236 7TH AVENUE, NYC 10027

I represent: INDEPENDENT MEDALLION OWNERS DELISE ASSOCIATION

Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 929-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11.26.12

(PLEASE PRINT)

Name: Megan Canning

Address: 149 Clinton Ave Bldg 1129

I represent: Design Trust for Public Space

Address: 40 Worth St. # 603 NYC

◆ 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. 1180-250117A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/25/12

(PLEASE PRINT)

Name: DAVIN STOVELL SMART DESIGN

Address: 601 W. 26<sup>th</sup> St., NY NY, 10001

I represent: TLC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 923929930 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/25/12

(PLEASE PRINT)

Name: Ashwini Chhabra

Address: TLC

I represent: NYC Taxi & Limousine Commission

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 929 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/25/12

(PLEASE PRINT)

Name: PAUL HERZAN

Address: paulherzan@windspring.com

I represent: passenger

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. 0923 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: MARC KLEIN, CLEAN ENERGY FUELS

Address: BROOKLYN, NY

I represent: CLEAN ENERGY FUELS

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: 11/26/12

(PLEASE PRINT)  
Name: Erhan Turcel

Address: 226 East 83<sup>rd</sup> St #44

I represent: LOMTO

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: CLIFF ADLER

Address: 215 W 94<sup>th</sup> ST, NYC, 10025

I represent: OWNER/DRIVER, LOMTO

Address: \_\_\_\_\_

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