



Matthew W. Daus, Esq.

President, International Association of Transportation Regulators

This month, I was asked to speak about the IATR's legislative initiatives at the Air Ground Transportation Association (AGTA) in Washington, DC. We have had a reciprocal arrangement with AGTA and other organizations where we attend each other's conferences to share information and work together on common goals and initiatives.

AGTA's Executive Director, Dr. Ray Mundy, ran a fantastic and informative program for airport operators, which included many taxi and for-hire vehicle related issues. Over the years, airport operators have become increasingly involved in the issuance of permits and setting of high customer service and safety standards for for-hire vehicles and taxicabs as part of airport rules and franchise or concession arrangements. I believe this trend will continue over time and that airports will continue to sometimes operate as quasi-Taxi Commissions, independently of the local regulators and licensing agencies.

I delivered a presentation on the IATR's legislative agenda for 2010, which included two key Federal bills – namely, the Green Taxis and the ALERT Drivers Acts. Al LaGasse, the Executive Director of the Taxi, Limousine and Paratransit Association (TLPA), provided an insightful update on his group's legislative activities – which included the RIDE Act, the new Federal health care legislation, accessible transportation, climate change and distracted driver legislation. The session was moderated by TLPA President Victor Dizengoff, whose work for the industry over the years has helped to improve service internationally as well as in his hometown of NY City. While we did not agree on everything, I believe our presentations did provide areas of compromise where both the industry and government regulators can work together to achieve common goals – especially on the distracted driving legislation.

The first legislation I discussed was the Green Taxis Act, sponsored by U.S. Senator Kirsten Gillibrand (S.1741) and Congressman Jerrold Nadler (H.R. 3711),

which would seek to amend the Federal Energy Policy and Conservation Act and the Clean Air Act to allow local governments to regulate fuel economy and emissions standards for taxicabs. This proposed legislation was also included as an amendment to the comprehensive climate change legislation introduced by US Senators John Kerry and Barbara Boxer. The Green Taxis Act would clarify that cities are not Federally preempted, in effect rendering moot the interpretations of two Federal Court decisions (*MTBOT v. City of New York* and *Ophir v. City of Boston*). The terms of this proposed legislation would apply only if vehicles are commercially available or manufactured pursuant to government contract. Manufacturers would not be required to produce clean air vehicles and taxi operators would not be required to use vehicles not readily available. The bill would not apply to vehicles which carry more than 10 passengers or to airport buses or shuttles. The IATR fully supports the efforts commenced several years ago by New York City to provide incentives to green its taxi fleet. Several major cities followed suit, including Chicago, San Francisco, Boston and Seattle to name a few. The IATR supports the provisions of the Green Taxis Act without any reservation. Of course, the TLPA respectively disagreed with the IATR's viewpoint.

The second legislative agenda item I lectured on was the topic of Distracted Driving and the ALERT Drivers Act ("Avoiding Life-Endangering and Reckless Texting by Drivers Act). The ALERT Drivers Act was introduced last year by US Senator Charles Schumer (S.1536) and U.S. Representative Carolyn McCarthy (H.R. 3535), and mandates that States pass laws within 2 years banning texting while driving in accordance with minimum standards established by the U.S. Department of Transportation, or risk losing 25% of their Federal highway funding. Unfortunately, fewer than 20 States have text messaging bans in effect; and in 2008, over a half-million people were injured and over 5000 fatalities involved distracted driving. After presenting information to AGTA members about several studies establishing significant evidence of the dangers associated with the use of cell phones and texting while driving, I provided an overview of the most stringent rules in the nation governing distracted driving which were passed by the NYC TLC last December. These progressive rules can form a

blueprint for the minimum standards that the US DOT would be required to pass. Both IATR and TLPA agree on the compromise that was reached on the NYC regulations which enhances safety for drivers, pedestrians and passengers, as well as allow for brief conversations to relay dispatch communication information in a safe manner (such as by mounted, non-hand-held, voice active, one-button devices). The IATR supports passage of the ALERT Drivers Act, but believes it needs to be amended to: (1) expand the definition beyond text messaging to include both hands-free and hand held cell phones, as well as other distractive portable electronic devices; (2) ensure that the minimum Federal standards hold licensed for-hire ground transportation vehicles to progressive penalties as well as preventive and remedial training; and (3) ensure that brief dispatch-related and emergency call exemptions are provided for in the law or US DOT regulations.

Overall, the AGTA members seemed to enjoy the lively discussion and to know that three progressive, influential and deliberative organizations are able to work together for common goals that will benefit airport operators and patrons as well as the industries that serve them.