

# MSK

MURPHY  
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*Via Hand Delivery*

August 9, 2016

Taxi Licensing Board  
City of Burlington  
Clerk/Treasurer Office  
149 Church Street  
Burlington, VT 05401

**Re: Enforcement of ten-year vehicle age regulations**

Dear Members of Taxi Licensing Board:

On behalf of GBE, LLC, d/b/a Blazer Transportation, I write in response to Ms. Ashley Bryce's June 29, 2016 letter wherein Ms. Bryce stated that as of November 1, 2016, the City would begin enforcing Section 30-15(b) of the Vehicles For Hire Ordinance. As you know, Section 30-15(b) prohibits any vehicle older than 10 model years old from serving as a vehicle for hire (the "10-Year Rule"). If enforced, the 10-Year Rule would significantly hurt the taxi industry by taking a substantial number of safe vehicles off the road, and putting many good drivers out of work. As expressed herein, the 10-Year Rule appears to be a well-intentioned, yet arbitrary rule that serves no public purpose and only causes harm. I urge you to stay its enforcement.

The only possible justification for the 10-Year Rule is the protection of public safety. While public safety is of course critical and paramount, there is no actual relationship between the 10-Year Rule and public safety.

First, I am not aware of any taxi accident that is attributable to a vehicle being older than 10 years old. Second, I am not aware of any study or data establishing that a 10-year-old car is any less safe than a nine-year-old car. And it is simply unreasonable to believe that a 9 year, 11 month, 15 day-old-car is per se less safe than a car 16 days older. Additionally, a five-year-old poorly maintained car could be appreciably more dangerous than a 10-year-old impeccably maintained car. Similarly, a well-appointed 10-year-old car with top of the line safety features could be appreciably safer than a newer model which has fewer features. Thus, there just does not appear to be a direct relationship between the 10-Year Rule and safety. Rather, the 10-Year Rule appears arbitrary.

The idea that the 10-Year Rule protects public safety is also undone by the lack of other 10-year requirements. It is my understanding that the Public Works Department, Burlington Electric Department, Burlington Telecom, Burlington Police Department and Burlington Fire Department operate or have operated vehicles older than 10 years old. If age were related to safety, then all

these vehicles should be banned as unsafe. Similarly, there is no age limitation for commercial vehicles that make deliveries into and out of Burlington, for school buses, commercial buses, or even for other vehicles for hire that are licensed in other towns and drop off (but do not pick up) passengers within Burlington. Nor, of course, is there any 10-year regulation for private vehicles.

There is also no need for the 10-Year Rule. There is already a reasonable and workable system in place to protect public safety. All vehicles for hire must pass state inspection per section 30-15(a). Vehicle inspection and registration under Title 23, Chapter 13 §1222 is rigorous. It requires an inspection of at least fifty specific issues including inspection of the body, brakes, steering and suspension, wheels and tires, lighting and electrical, the tire pressure monitoring system, glass integrity, seat-belts, airbags, exhaust, emissions, wiring, catalytic converter and fuel system. The state inspection is comprehensive and designed specifically to promote safe travel on state highways and roads. A car passing state inspection is legal to drive anywhere in Vermont and on the Federal Highway System. Thus, there are no additional requirements beyond the State inspection necessary to ensure safety.

As there is no evidence that a car 10 years old is less safe, and there is no rational relation between the 10-Year Rule and public safety, the 10-Year Rule can only be seen as arbitrary. Arbitrary Rules are a violation of due process and equal protection.

I urge you, therefore, to stay any enforcement of 30-15(b) and petition the Ordinance Committee or City Council to strike the 10-Year Rule.

While I regret that I cannot discuss this matter with you today, I am happy to discuss further at your convenience. I look forward to working with you to address this problematic provision of the ordinance.

Thank you,



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