

TYRED AND EXHAUSTED

Two issues which have affected taxi drivers recently are emissions reduction equipment and tyres. The emissions equipment issue has been on going and resulted in a High Court Case, whilst the tyres meant some drivers were failing their inspections at SGS.

HIGH COURT UPHOLDS PCO'S DECISION TO WITHDRAW APPROVAL FOR MODIFIED ECO-POWER SYSTEM

Ed Thompson, Taxi and Private Hire Director, is telling taxi drivers not to panic if they have purchased one of the Eco Power emission reduction systems which has been the subject of a recent High Court case. TfL has won a legal challenge against Eco-Power after a decision to withdraw approval of a modified emission reduction system. On the advice of the Energy Saving Trust, on 28th March the PCO decided to withdraw the approval granted on 11 September 2007 for the modified Eco-Power emissions reduction system. This system re-circulates exhaust gases into the vehicle's exhaust pipe via a heat exchanger, rather than through the vehicle's engine.

COURT INJUNCTION

Following a conformity inspection carried out by EST, the PCO was advised that the modified system did not meet the technical requirements for reducing emissions of oxides of nitrogen. A PCO notice was issued on Friday 28 March providing advice for taxi owners who had already installed the system or had appointments to have it installed. The PCO wanted to prevent taxi owners fitting a system which they believed may be flawed. But on 30th March Eco-Power obtained an injunction from the High Court which prevented the PCO from publishing notice of the withdrawal of the approval.

In the High Court on April 22, Judge Hickinbottom discharged that injunction and dismissed Eco-Power's challenge to the PCO's decision to withdraw the authorisation in respect of the modified system. The judge held that, in doing so, the PCO had acted reasonably on the basis of proper expert advice.

ORIGINAL SPECIFICATION

The High Court confirmed that PCO approvals for Eco-Power's original system (which recirculates exhaust gases directly into the vehicle's engine) remain unaffected. The PCO has no objection to this original system being fitted.

After the Court hearing, Ed Thompson said: "Our concern throughout has been to ensure that our high standards of emissions reduction technology are maintained. The PCO is pleased with this outcome and fully takes on board the Judge's detailed and careful consideration of this case."

ADVICE FOR DRIVERS WHO MAY BE AFFECTED

This decision and the subsequent PCO notice does not affect approval of two other emissions reduction equipment for which Eco-Power were given approval on 5 June 2007 and 16 July 2007.

ECO POWER UK GIVE THEIR SIDE OF THE STORY

Following the Court case, Eco Power said that Transport for London and the "high handed" Public Carriage Office had suffered defeat over emission controls for black cabs. The company reported that they had succeeded in securing from the High Court in London an order quashing the decision of the Public Carriage Office removing all authorisations for the Eco-Power emission control system fitted to London taxis. In his judgment given at the High Court on 22nd April 2008 Judge Hickinbottom confirmed that the Authority had acted unlawfully in withdrawing all authorisations in March of this year for the Eco Power system which had been approved for fitting to taxis in July 2007. In his judgment Judge Hickinbottom referred to confusion and misunderstandings at the PCO and that "the PCO behaved in a discourteous and even quite high handed manner in its dealings with Eco-Power"

David Davies of Eco-Power said: "We were treated shabbily by the PCO which refused to answer correspondence and simply withdrew all authorisations for the Eco-Power

system without notice. As the judge said and the PCO accepted that announcement by them was unlawful. This judgment has allowed us to supply and fit the Eco-Power system once again"

PCO NOTICE 10/08 EMISSIONS STRATEGY FOR LONDON TAXIS

Withdrawal of Approval for Eco-Power Emission Reduction System Approved in PCO Notice 30/07 (13 September 2007)

Following technical advice from the Energy Saving Trust (EST) based on emissions tests, the PCO decided on 28 March 2008 to withdraw the approval granted on 11 September 2007 for the modified Eco-Power Emission Reduction System (which recirculates exhaust gases into the vehicle's exhaust pipe via a heat exchanger but not through the vehicle's engine).

The modified Eco-Power Emission Reduction System referred to above was approved for installation on the following models of taxis:- Euro 1 LTI Fairway and Euro 2 LTI TX1 Taxi owners who have had an Eco-Power system installed need take no immediate action, but are advised of the following:-

1. The PCO will write to these owners in due course advising what action they may have to take. Vehicles should be presented as normal for annual licensing or mid-year inspection at SGS.
2. In accordance with the High Court decision on 22 April 2008, Eco-Power.co.uk Limited has undertaken to compensate any person who, from 30 March 2008, purchased or purchases a modified Eco-Power Emission Reduction System for any loss they may suffer if it is shown that the injunction was wrongly made. Eco-Power will within 14 days furnish the PCO with details of all the purchasers of the modified Eco-Power Emissions Reduction System with a view to enforcing this undertaking in favour of purchasers.
3. If any owner has questions as to whether they are affected by either the contents of this Notice or by Eco-Power's undertaking then please make contact with the PCO on 020 7126 3802 or email your enquiry to emissions@pco.org.uk.

The PCO has no reason to doubt that all remaining approved emission reduction technologies are fit for purpose and will deliver the required standards provided they are fitted in accordance with the manufacturer's specifications to properly prepared and maintained vehicles.

LEGAL CONTEXT

On 30 March 2008, Eco-Power obtained a High Court injunction preventing the PCO from publishing the decision to withdraw the approval. That injunction was continued on 7 April 2008 on Eco-Power's undertaking to compensate purchasers of its modified system who suffered a loss as a result of the injunction if it were later found that the injunction was wrongly made.

On 22 April 2008, the High Court discharged the injunction and dismissed Eco-Power's challenge to the decision to withdraw the approval for Eco-Power's modified system. The judge held that the PCO had acted reasonably on the basis of proper expert advice.

The High Court confirmed, in the light of a concession by the PCO, that the approvals granted on 13 June and 16 July 2007 in respect of Eco-Power's original system (which recirculates exhaust gases through the vehicle's engine) remain unaffected. The PCO has no objection to this system being fitted.

Please note that PCO Notice 06/08 has been withdrawn and is no longer in force. PCO Notice 10/08, which withdraws the approval in PCO Notice 30/07, relates only to the modified Eco-Power system. Approval for the Eco-Power system in its original form (in which exhaust gases are recirculated through the vehicle's engine), as granted for Euro 1 LTI Fairway and euro 2 LTI TX1 on 13 June and 19 July 2007, remains unaffected. The PCO has no objection to this original Eco-Power system being fitted.

TYRE SAFETY RATINGS FOR TAXIS

There have been a number questions asked by taxi owners recently about the tyres being used on taxis. As taxi owners know, taxi specific tyres need to be fitted to a cab in order for it to pass the Overhaul and mid year inspections at SGS. Tyres are essential to the safety of any vehicle and safety in acceleration, braking, steering and cornering all depend on the contact between the tyre and the road. It is a relatively small area of tyre which makes contact with the road but it is of paramount importance that tyres should be the correct ones according to the vehicle manufacturer's recommendations. Maintaining tyres in good condition and correctly inflated can make as much as 5% difference to fuel consumption.

Q OR N?

In the case of taxis, the tyres will be looked at both overhaul and the mid year inspection. Recently this has given some owners a problem as there has been some concerns as to whether certain tyres conform to the specifications set down by LTI Vehicles at the time of manufacturer. Original tyres on a TX4 are q rated which means they are specific for the weight and speed of the vehicle and its acceleration, up to 99mph. There are also n rated tyres available for other taxis which are specific for taxis such as TX1's, and are for up to 87mph. This does not mean that these are the speeds that would normally be driven; it is the result of research and development by tyre manufacturers which take into account the taxi wear cycle as well as speed and weight making the tyres the best suited to the vehicle they will be used on. Information on which type of tyre your particular taxi requires can be found in the handbook for the vehicle. "The TX4 passed its homologation for European Whole Vehicle Type Approval with q rated tyres due to the duty cycle, speed

and weight rating of the vehicle. Only tyres that conform to the correct specification as set by the manufacturer should be used on the vehicle," said an LTI Spokesperson.

TYRE COMPLIANCE

It is recommended that no changes in tyre type should be made or it could affect the handling of the vehicle. Current UK regulations mean vehicle speeds are restricted to a maximum of 60 mph (96 km/h) on dual carriageways and motorways and the limit is 50 mph (80 km/h) on other roads unless indicated otherwise. UK law requires tyres to have a minimum of 1.6mm tread pattern depth throughout the central 75% of the tread width and around the entire tyre's circumference.

Following some reports that tyres had been failed at overhaul and mid year inspections recently enquiries were made to the PCO. At the time of going to press the PCO are confirming that the original specifications supplied by LTI are being adhered to. A spokesperson for the Public carriage Office said: "An issue relating to tyre compliance was raised recently with the PCO. The matter will be considered further, however the PCO is satisfied that there is no safety issue, and that the existing arrangements maintain the high safety standards of licensed London taxis. The standards being applied in respect of taxi tyres, in annual and mid-year taxi inspections, has not changed. In considering any change to standards, the PCO would consult with trade representatives before making a final decision."

