

## **Child Restraint Seats in Taxicabs**

<b>Date:</b>	December 14, 2009
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2010\Cluster B\MLS\Ls10001

### **SUMMARY**

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The purpose of this report is to examine the feasibility of providing child restraint seats in taxicabs to clients who request them; and to consider ways in which the City of Toronto could encourage taxicab brokerages and taxicab operators to make vehicles with child restraint seats available to the travelling public.

Child safety in cars is not new. Child safety restraints include seat belts, booster seats and child seats, and are a highly effective way of reducing serious and fatal injuries to children. However, despite the City's desire for children to be safely restrained while travelling in taxicabs, several factors impede the overall goal of child safety in Toronto licensed taxicabs.

This report was prepared in consultation with the taxicab and limousine industries.

### **RECOMMENDATIONS**

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**The Executive Director, Municipal Licensing and Standards recommends that**

1. This report be received for information only.

#### **Financial Impact**

There is no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

The Licensing and Standards Committee, at its meeting of April 15, 2009, referred to the Executive Director, Municipal Licensing and Standards a communication dated February 19, 2009 (see the link below) requesting a report to the Committee entitled “Making child restraint seats mandatory in taxis”.

<http://www.toronto.ca/legdocs/mmis/2009/ls/decisions/2009-04-15-ls20-dd.htm>

At the May 07, 2009 meeting, the Committee referred the report dated April 15, 2009 (see the link below) back to the Executive Director, Municipal Licensing and Standards with a request to consult further with the taxicab industry on the issue of providing child restraint seats in taxicabs.

<http://www.toronto.ca/legdocs/mmis/2009/ls/decisions/2009-05-07-ls21-dd.htm>

## **ISSUE BACKGROUND**

Every year, about 10,000 children under the age of 12 are injured in traffic collisions in Canada. Motor vehicle collisions have been identified as the leading cause of death and injury among children. Properly used child restraint seats can prevent up to 75 per cent of these deaths and injuries. (Source: Infant and Toddler Safety Association)

In Ontario, although Regulation 613 requires that all children under the age of eight must be appropriately restrained while traveling in vehicles, Section 106 of the Highway Traffic Act (HTA), exempts taxicab drivers from the requirements to provide child restraint seats for children, except when the taxicab is operated by, or under contract for the transportation of children with a school board or other authority in charge of a school.

## **COMMENTS**

Child safety seats (sometimes referred to as an infant safety seat, a child restraint system, a restraint car seat, or ambiguously as car seats) are seats designed specifically to protect children from injury or death during collisions. Automobile manufacturers may integrate child safety seats directly into their vehicle's design. Child safety seats provide passive restraints and must be properly used to be effective.

### **Pre-booking Taxicabs with Child Restraint Seats (CRS)**

Both the taxicab industry and the limousine industry were contacted to discuss options whereby they would provide child restraint seats to passengers who pre-book them. The limousine industry indicated that they currently offer this service. The limousine industry differs from the taxicab industry, in that, their clientele pre-book their services 24-48 hours in advance.

Of the taxicab industry stakeholders consulted, many had specific views on the issue. The taxicab industry in general, has approached this idea with resistance, acknowledging that although they would assist passengers who bring their own CRSs with installing them for the taxi ride, they were not willing to provide them for passengers, as they were not mandated by the HTA.

Pre-booking a CRS through the taxicab brokerage or owner would still require each taxicab to carry the age/weight-appropriate CRS. Additionally, brokerages simply act as a centralized dispatch centre. Vehicles are not picked at the brokerage's offices at the start of a shift, nor returned to the brokerage's offices at the end of a shift. Nor does this ensure that a taxicab with a CRS would be the one dispatched to that particular fare. This is due to the fact that the taxicab operators have no idea where they will be going throughout their shifts.

### **Feasibility for Some Taxicabs to Offer Permanent CRS**

Leaving a CRS installed permanently in a taxicab is also not feasible as there is no guarantee that a taxicab with a "permanent" CRS would be available when requested at a particular location. It would however, impact the number of passengers (one less) a taxicab could transport at any given time irrespective of whether or not the child seat was occupied.

In attempting to have some taxicabs offer permanent CRS, there would be a need to establish an equitable methodology to determine the number of vehicles that would provide them, and which operators, or whether this would be a voluntary exercise. Would these taxicabs be expected to provide seats for every age of a child as required under Regulation 613? Would they only serve this demographic, and therefore sit idle otherwise? From a financial perspective, it is neither feasible nor practical to require some taxicabs to provide a permanent CRS.

One option for consideration would be the purchase of new taxicabs from vehicle manufacturers that offer an integrated CRS. Integrated CRSs are built directly into the vehicle and would eliminate common compatibility and installation problems as well as availability issues. The seats fold, recline, and feature a five-point seat belt harness for children at least one year of age, between 22 and 50 lbs, and are no more than 47 inches tall. However, infants less than one year old would still require a separate restraint system.

Integrated CRSs are available in some GM, Ford, Chrysler and Volvo vehicles. These vehicles are generally the larger minivan models, like the Chrysler Town and Country, which a number of taxicab operators might not choose to purchase and which may be counterintuitive to the City's plans to green its taxi fleet in order to reduce carbon emissions.

## **Requirement for Appropriate Anchors for Installation of CRS**

All new Canadian passenger cars, MPVs, SUVs, and light trucks manufactured on or after September 1<sup>st</sup>, 2002, are equipped with lower universal anchorage bars (UAS) (also known as ISOFIX or LATCH system), as required by Canadian regulations. In most vehicles there are two pairs of UAS anchors, often in the right outboard and left outboard position in the vehicle seat bight (where the seat back and cushion meet).

The Toronto Municipal Code, Chapter 545, Licensing, subsection 140, Age of Vehicles requires that a standard taxicab can not be more than five model years old; and that ambassador taxicabs at most, may not be seven model years old by year date, provided that it was a new vehicle when it became registered as a taxicab. As such, all vehicles currently in use as taxicabs would have been acquired post-2002 and thus equipped with the UAS.

## **Other Factors**

Additional factors that may impede the practicality and feasibility of requiring the use of CRS in taxicabs include situations where more than one child requires a child seat; and the general use and safety of a CRS (for example, seat recalls, wear and tear, hygiene/cleanliness of the seats; 10-year life expectancy and replacement after being in an accident, et cetera).

Requiring children under the age of eight to be properly seated and safely secured in a CRS while traveling in a taxicab, is not unreasonable. However, the practicality issues in doing so may inadvertently create an unsafe environment. Depending on the frequency of use, the seat would have to be constantly installed and uninstalled at various times during the day. Installing and re-installing a CRS is extremely time-consuming, and may disrupt service. During a busy day, it is doubtful that a taxicab driver would correctly install and reinstall the CRS. Simply providing a child seat, and requiring the child's parent to install it may not be a viable solution, since it would be an unfamiliar seat in an unfamiliar vehicle; this could also lead to improper installation.

According to the National Safety Council, eight out of ten portable child seats are installed incorrectly. Common errors include not tightening the seat belt and harness enough, and not properly using a tether when required. In 2001, 48 per cent of children between four and eight years of age who were killed in motor vehicle crashes were not buckled properly into a CRS. (Source: Ford.com)

The proper use of CRSs is not only problematic regarding the installation. It is also essential that the child restraint seat be appropriate to the child's age and weight. For instance, a child under one year of age or under 20 pounds should be in a rear-facing seat in the back seat, while toddlers who weigh more than 20 pounds and less than 40 pounds are to be secured in a forward-facing CRS. Children under the age of eight weighing between 40-80 pounds are to be secured in a booster seat.

This would require the taxicab driver to have a CRS appropriate for every child's age and weight as required under Ontario's Child Car Seat Laws: Regulation 613 of the HTA. Without it being mandated, there is concern this may lead to drivers refusing fares requiring a CRS.

Most jurisdictions nationally and internationally exempt taxicabs from child seat laws as a result of the feasibility and practicality issues mentioned above. One exception is the State of Florida, where the law was amended in 1986 to change the responsibility from the parent or guardian to use a child restraint device for children five and under riding in a motor vehicle to all operators of a motor vehicle. The law now requires taxicabs to provide a CRS for passengers five or younger, with or without a parental request.

Until the Province similarly mandates that children traveling in taxicabs are required to be properly situated in a CRS, it would be challenging to ensure that taxicabs offer CRSs to clients that request them or to have some taxicabs offer permanent CRSs.

## **CONTACT**

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## **SIGNATURE**

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