

The Deregulation and the Dublin Taxi Industry

Mark Murnane & Wendy Pender – Senior Sophister

The deregulation of the taxi industry seems to have divided the public. What does economics say about it? Mark Murnane and Wendy Pender provide an in-depth analysis of the deregulation, including what has happened so far, whether fares and quality should be de regulated, the role of hackneys and the issue of wheelchair accessibility. They conclude that what has been done so far is the minimum necessary to ensure a reasonable supply of taxis.

Introduction

A contestable market is one in which entry is absolutely free and exit is absolutely costless...In short it is a requirement of contestability that there be no cost discrimination against entrants.¹

W.J. Baumol has written extensively about contestable markets. His view of contestability did not apply to the Dublin Taxi market under regulation. This is because there were a limited number of taxi plates in the city and these had acquired a scarcity value of up to IR£90,000. These licences were only just pieces of paper and there was no reason for them to be worth such large sums. This situation occurred because there were very high barriers to entry in the industry. As there were only a limited number of licences entry was not free and costless. Since the market has now been deregulated there is no longer a cost discrimination against new entrants so the industry is more aligned with Baumol's theory. This should be the case as Barrett points out

Taxis should also compete. The capital requirements at entry level are very low, making it a perfectly contestable industry.²

In this paper we outline the Dublin taxi market from regulation to deregulation and we attempt to examine whether deregulation has had a positive effect on the

¹ W.J. Baumol, (AER 1982)

² Barrett, S.D. Sunday Independent 15/10/2000

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industry. We undertook a survey of passenger and taxi waiting times and we discuss the results in relation to The Oscar Faber Report of 1998. We also look at several alternative ways deregulation could have occurred as opposed to the way the Irish Government implemented the policy.

AN OVERVIEW OF THE INDUSTRY FROM REGULATION TO DEREGULATION

The emergence of the Irish taxi industry dates back to 1961. Part 7 of the Road Traffic Act enables the Minister for the Environment to licence Public Service Vehicles (PSV's), PSV drivers, establishes the taximeter areas and a maximum fare structure. Previously there had been an absence of a statutory body concerned with taxi issues. Quality issues tended to be the most important issue arising from the absence of a state body. In light of today's discussion, this continues to be of vital importance. We will discuss this later on.

Until 1970 there was no substantial growth in the number of taxis corresponding to a stagnant increase in demand. During the 1970's, however, demand increased and so too did the number of taxis on the road. In 1978 Statutory Instrument 298 was introduced and the market was regulated due to fears of excess supply, which it was believed would result in a fall in quality standards. Strict entry controls were put into place. Baumol (1982) states

Any proposed regulatory barrier to entry must start off with a heavy presumption against its adoption

As these strict entry controls were being enforced, the Baumol's contestable market theory did not apply as entry was no longer free and costless. Entry was regulated and licences were expensive and scarce.

There was an increase of 275 taxis for the 5-year period of 1970-1975. From the time of regulation (1978) there had been a marginal growth of just 300 plates. The increase in the taxi using population over this period was 65% with only an 18% increase in the supply of taxi licences (Fingelton et al, 1997).

November 21st 2000 saw the introduction of deregulation of entry into the industry for the first time in 22 years. The industry under regulation that aimed for 'gradual liberalisation' in the number of taxi licences had failed and there was an ever-present shortage of taxis on the streets. There has been considerable debate following this action. To date there are approximately 2200 new taxi drivers on the

road.

THE ORIGINS OF DEREGULATION

On the 6th of January 2000, Junior Progressive Democrat Minister for the Environment, Mr. Robert Molloy, introduced plans to issue 3,100 new taxi plates. This plan to increase the supply of taxis was initiated due to a constant shortage of taxis in Ireland and would ultimately lead to deregulation.

His announcement was met with favour from the general public but with huge unfavour from taximen, who preferred a 'phased introduction of the plates' (Fingelton et al, 1997). However previous attempts at this had been met with contempt and feverishly contested by the latter group. The taximen claimed that the release of the plates would mean their 'financial ruin'.

The Minister's initial plan was the introduction of 3,100 new licences of which 2,600 were to be offered to existing licence holders. This action was to be taken in order to compensate existing plate holders for the "devaluation" of their licences. Although their plates may have devalued, we believe that their income would not have. A second plate would have made the market more competitive but the taxi industry was still controlled by 2,600 current licence holders. In both the John Fingleton and Oscar Faber reports it is observed that there would be enough work for an extra 4,200 taxis. (The Faber report favoured a phased introduction of licences though).

Despite opposition from the taxi lobby the plan went ahead. By the end of February 2000, 2600 licence holders applied for a second plate at an administration cost of £2,500 and £250 for a wheelchair accessible licence. The latter were so cheaply priced in an attempt to increase the wheelchair accessible service (see section on wheelchair accessible taxis).

A second group in disagreement with Mr. Molloy's proposal were the hackney drivers but for different reasons. Their claim was that the Government had exceeded their power in making such regulations and in doing so had discriminated against hackney drivers –(by not allowing them to ply for trade on the streets or to drive in bus lanes). They also argued that the new licences would go mainly to existing taxi-drivers, hence allowing them to strengthen their "cosy cartel". Their case was brought before the High Court on February 8th. They called for the whole

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system to be deregulated and pending this decision they successfully negotiated a freeze on the release of the 3,100 plates. In their action against the State, Dublin Corporation and Dundalk Urban District Council the hackney drivers sought to eliminate prohibitions on the granting of taxi licences in the future. On 14th October Mr Justice Murphy ruled that the Government had in fact no power to limit the number of taxi licences. In his findings Mr Justice Murphy said that

*A quantitative restriction not alone effects the rights of citizens to work in an industry for which they may be qualified but it also manifestly affects the rights of the public to the services of taxis, and indeed the development of the taxi industry itself.*³

He also stated that

*Regulations which restrict the number of public hire vehicles contradict the very concept of public service.*⁴

This ruling put an end to the issuing of the 3,100 new plates and opened the industry to deregulation and began to align it more with Baumol's theory.

The Next Step

The Dublin Taxi Lobby had fought long and hard against deregulation and was by no means prepared to stand aside. They decided to take their case to the Supreme Court. Following the deregulation announcement, An Taoiseach outlined the terms of a settlement in response to angry taximen who saw themselves as being exempt from the rules of competition. His terms were generous:

- An individual would be able to write off any depreciation in the value of his/her licence against his/her tax liability, going back to the time of purchase.
- Drivers who paid high fees in recent years to carry disabled people would have most of their money refunded.

The scheme implied that no licence holder was directly out of pocket due to the deregulation of the trade although some individuals, who purchased plates for

³ The Irish Times 17th Jan. 2001

⁴ The Irish Times 17th Jan. 2001

large sums of money, stood to lose substantially under these compensation terms announced by the Government. There were different reasons for this: private arrangements for the purchase of taxi plates; failure to declare capital gains on the transfer of licences and the time frame being contemplated for capital write-offs – (however, submissions were possibly to be accepted in hardship cases).

The taxi men were opposed to this scheme. They threatened to seek a court injunction to prevent deregulation of the industry and if that failed they aimed to seek alternative compensation for the inevitable fall in value of their licences. Most plates have been in circulation for a very long time and have gained an artificial value because of their scarcity rather than through any particular contribution of their owners. Taxi men will argue here that it was the State who by regulating the system, created the excessive licence value but we argue that every time the Government planned to issue more plates it was met with fierce opposition by taximen resulting in the withdrawal of the plans, e.g. in Dublin as far back as the 70's, Environment Minister Jimmy Tully was 'persuaded' by a blockade on Butt Bridge to ban new entrants.⁵ The blockade and strike in the run up to the Christmas period did nothing to persuade Mr. Molloy to back down. This time their 'bully boy tactics' were not to be met with public sympathy and to date we have seen the introduction of a much needed 2,200 new plates on the road.

EXAMPLES OF INTERNATIONAL DEREGULATION AND THEIR RESULTS

New Zealand

In 1989 both entry and fare deregulation occurred. Prior to this the demand for licences hugely outstripped supply due to tough regulations. Like the USA and Dublin, licences were traded for vast sums of money, again illustrating the opportunity for monopoly profits to be earned. The cost of a plate before deregulation was NZ\$25,000 - (IR£10,000 approximately.). The cost of a plate in Dublin prior to deregulation was IR£80,000 - IR£90,000 approximately. In the case of New Zealand there was no compensation offered and like the Dublin experience there was huge opposition from taxi drivers. The opening up of the market meant that licences lost their scarcity values. The system of deregulation New Zealand undertook is not similar to that of Dublin although there are lessons to be learned. The argument against deregulation based on a fall in quality standards is not a valid

⁵ Barrett, S.D. Sunday Independent 15/10/2000

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one in the case of New Zealand. According to both the Fingleton (1997) and Faber (1998) reports the New Zealand case was a success because their quality standards actually improved post deregulation by introducing measures on proper person criteria, area knowledge tests and vehicle standards. Many taxi firms also merged together enabling them to achieve economies of scale.

Sweden

This is another example of a country which has experienced full deregulation. Barriers to entry were removed and more stringent checks were made on applicants to ensure high quality levels for example trade skills and economic suitability of potential applicants. Fares increased post deregulation. The Government brought in measures, which introduced the issuing of receipts. In the Dublin case we think the issuing of receipts may be significant and there should be a call for it. Here are our reasons:

1. The issuing of receipts would aid the Revenue Commissioner when/if tax write-offs come into play for the purpose of compensation.
2. The issuing of receipts would indicate if and to what extent taxi driver's incomes will change post deregulation. If the market does become saturated and incomes fall there would thus be evidence to substantiate this.

U.K.

The Transport Act of 1985 allowed partial deregulation of entry into the market. An applicant could now only be refused entry if there was insufficient demand in the market to merit an increase. Myles O'Reilly, in his affidavit to the High Court⁶, favours this type of procedure and discusses Queensland as an example.⁷ In the case of the U.K. there was a substantial increase in the number of taxis. In areas where only partial deregulation was imposed there was a huge rise in the number of hackneys. This reflects the situation in Dublin where there was only 2,700 licenses but a fleet of 4,500 hackney cabs. O'Reilly argues here that it was likely in time that hackneys could have met the demand for a significant proportion of taxi work if no additional taxi licences were issued.

⁶ Affidavit of Myles O'Reilly to The High Court (2000)

⁷ In this example a survey of waiting times was taken. If waiting time was on average above a certain level, then The Chief Minister of Queensland was required to issue new licences. These were then auctioned.

Toner (1996) does note that council areas with full deregulation did not increase rank space, leading to some overcrowding which may have led to an entry restriction being placed back in that area. This argument is similar to one made by Irish taxi drivers that the Government have failed to make extra space available on ranks. We do not believe this argument is valid because over the course of our survey – (results outlined in full later) - the most taxis at the rank at once was 5 and there is room for 7. This shows that at both peak and off-peak times there seemed to be enough room at the rank surveyed which we feel is representative of Dublin as a whole.

DUBLIN TAXI FARES, STAY REGULATED OR DEREGULATE?

Currently in Dublin taxi fares are regulated. Fares were last changed in 1998 following the Oscar Faber report. Hackney fares on the other hand are not regulated. Most hackney operators seem to base their fare structure on those of the taxi market. Hackneys would have difficulty in raising their fares above those set in the taxi industry without losing substantial market share. Consumers have a greater chance to bargain with the hackney operator because the cab is ordered over the phone and not at a rank or on the street. One would therefore believe that hackney fares should not be altered as they are aligned with those in the taxi market.

When taxi fares have been deregulated in other countries, prices have fallen in some cases. This can be seen to be because the previous fares were excessive and large monopoly profits were being earned. With deregulation new entrants lowered fares causing those in the market to lower also. Baumol (1982) maintains that

A contestable market never offers more than a normal rate of profit – its economic profits must be zero or negative.

We consider that fares in the Dublin market should continue to be regulated. Some economists believe that prices should be different at peak and off peak times. This is because they think that supply will increase at peak times if a higher price is charged. This we feel could cause confusion amongst consumers and leaves the door open for some taxi operators to charge the higher price at both peak and off-peak times to people who are not well informed such as foreigners, infrequent users, etc.

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DUBLIN TAXI QUALITY, DEREGULATE OR STAY REGULATED?

There are quality standards for both drivers and vehicles. Taxi vehicles must be approved both in terms of size and seat capacity and in terms of safety and roadworthiness. The Carriage Office is in charge of this. To obtain a PSV licence an applicant must take a once off test of driving skills and a test of knowledge of the city. The applicant must also demonstrate that they are a fit and proper person.

While deregulation occurred in the industry, quality must be kept at a high level. Consumers are not aware of whether the taxi they are travelling in is of high quality or not. Increasing levels of random inspections on the taxi fleet must address this, especially now that numbers have increased. With the issuing of new licences the quality of the fleet may improve somewhat as new licence holders may purchase new vehicles.

THE DUBLIN HACKNEY INDUSTRY

Demand in this sector also outweighs supply. There are three main problems cited by hackney drivers:

- Shortage of drivers especially since the deregulation of the taxi industry. Many potential and existing drivers have opted for taxi licences.
- Traffic congestion in Dublin.
- The exclusion of hackney cabs from bus lanes and on street hiring.

We believe that hackney cabs should be allowed to travel in bus lanes whilst occupied by a fare due to the existing low volume of traffic in these lanes. We are aware that for this to occur there needs to be some kind of identification to distinguish a hackney cab from ordinary cars making illegal use of bus lanes.

Hackneys in general are 'restricted in the manner in which they provide hire and reward services, in particular by being prevented from plying for or standing for hire in public places and in effecting contracts for hire by means of telephones or radio communications with the vehicle in a public place'.⁸ However,

⁸ The Irish Times 11th Jan. 2001

now with deregulation of taxis we feel these stipulations should remain and in fact the Oscar Faber report calls for a single taxi licence and the elimination of two separate categories of PSV's. Hackneys are not subject to a maximum fare structure and in fact charge by mileage. As we have already discussed, fares are similar to and based on taxi fares. Hackney cabs are also unable to display a distinguishing sign on the exterior of the vehicle, which relates to the problem of being able to drive in the bus lanes. Hackney licences are currently non-transferable.

Both hackney and taxi drivers are subject to quality conditions that seek to ensure that they are fit and proper persons and have knowledge of the area in which they intend to operate. Vehicles have to comply with general vehicle safety requirements and meet a number of conditions specific to PSV's.

The distinction between taxis and hackneys reflects a view that there are 2 separate markets for small PSV: the demand market, which is supplied by taxis and secondly the pre-booked market, which is largely supplied by hackneys. Both are in short supply. However the taxi situation has now been remedied somewhat.

The initial increase in the number of hackneys was due to the continual shortage of taxis. With taxi ranks at night and at peak times clearing at a snails pace, businesses and individuals turned to hackneys.

A study carried out on December 15th in relation to Pony Cabs, one of Dublin's biggest hackney companies, indicated that of 6,320 calls received, just 2,718 were answered and only 1,110 of the callers fewer than 18%, actually got cars.⁹ Although this sample was taken at a busy Christmas period it still showed the lack of hackneys available for hire. The problem here is not licence restrictions but a shortage of drivers. As with taxis there were no limitations placed on the number of hackneys allowed to operate during the period and up to 1978. Compared with the issuing of taxi licences, a more liberal policy has been followed regarding hackneys. Restrictions on entry to the hackney trade have taken the form of moratoria on the issue of new licenses, which have been applied from time to time. However, the relative ease of access compared to the taxi industry is evidenced in the rapid increase in licences in the 1990's and particularly during 1996. The number of

⁹ The Irish Times 11th Jan. 2001

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current hackney licences is in excess of 4,500, although this number will be due to fall as many hackney licensees have applied for or have already received one of the new taxi licences.

STRUCTURE AND MODE OF OPERATION OF THE HACKNEY INDUSTRY

As hackney licences have been more freely available and are not transferable they do not command a high price on the open market. Most hackneys are affiliated to a hackney company, which takes and allocates bookings. There are approximately 70 such companies operating in the Dublin area. The hackney trade is free to set fares by negotiation with the customer. Hackneys now account for 65% of cabs on the road. While it is still too early to draw conclusive results it is predicted that post deregulation hackney numbers will actually decrease significantly. This can be seen to be based on:

- There being no entry restrictions to a highly demanded taxi industry.
- Existing hackney drivers ability to obtain a taxi licence with relative ease.

Growth in the number of hackneys reflects a rising demand for cabs, which taxis could not cater for because of restrictions on the number of licences issued. Demand according to Fingleton (1997) was due to:

- The increase in population
- The increase in tourism
- The increase in economic growth.
- Increases in laws of drink driving. The government enforced these rules but failed to provide an increase in transport to get home.

WHEELCHAIR ACCESSIBLE TAXIS IN DUBLIN, SHOULD THE NUMBERS BE INCREASED?

Taxis are very important for people with disabilities as they provide a door-to-door service. Unfortunately the number of wheelchair taxis is still quite small and thus waiting times can be excessively long for those with a need for one. The Faber Report gives the following example; a taxi man with a wheelchair accessible vehicle that is busy in the city centre is unlikely to respond to a telephone call out to pick up a disabled person in the suburbs as it involves a loss of earnings due to the taxi being empty whilst travelling to and from this fare. This example shows the difficulty involved for a person with a disability in trying to order a taxi. Fingleton et al (1997)

call this process 'cream skimming', i.e. choosing more economic hiring's.

Many experts believe that all taxis should be wheelchair accessible. Any new licences issued should possibly have been in respect of wheelchair accessible vehicles. There is an additional cost involved in this side of the business as wheelchair accessible vehicles are more expensive than normal saloon type vehicles and the trade-in-value is less. This can be overcome by the extra business that these owners can take on that non-accessible vehicles cannot. Another method used to encourage new applicants to take a wheelchair accessible licence is to give a subsidy as an incentive or price the licence at a lower level than normal vehicles. The Irish Government priced at £250 as an incentive to encourage growth in this sector. However we have failed to see a massive growth in numbers and it is estimated that out of the approximate 2,200 new cabs just 100 are wheelchair accessible. It is worthwhile noting that by 2003, under EU regulations, all taxis are supposed to be wheelchair accessible. This is unlikely to occur in Ireland due to the massive cost involved in this changeover. There was a call for all the new licences issued to be for wheelchair accessible taxis, which would have increased the chances of meeting these future EU regulations in time.

Is Taxi-Sharing Viable in Dublin and Should it be Reemployed?

The policy of taxi sharing was introduced in Dublin for a short period in 1999-2000. This scheme can be seen as a success in West Belfast, North Belfast and Derry. The drawback of taxi sharing is that there are only limited conditions under which the scheme can work. There must be sufficient demand for the service in order to lower waiting times. If there is insufficient demand there will not be people to share with. On the other hand demand cannot be excessively large so as to necessitate the use of minibuses. Drivers will not take on the scheme unless fares equal to a number of exclusive hiring's are made for each trip.

There can be seen to be non-price advantages of taxi sharing. From their study of the Northern taxi-sharing scheme, Barrett and McLoughlin (1984) state that there are non-price advantages to this policy. These are as follows:

- Greater frequency
- Longer hours of operation
- Shorter journey times than those of buses
- Provision of a door to door service

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The Northern study found that the service operates from a designated terminus in the city centre and members are required to leave the terminus after 10 minutes so as to ensure frequency. The taxi service was found to be more frequent than the Ulster bus service. Journey times by taxi were reduced by up to 50% of those of buses because of avoidance of congested areas, most people also found that taxi drivers were more helpful and courteous than bus drivers and that the taxi share service was safer, cleaner and more comfortable than the bus service.

On the other hand the experiences in the UK suggest that taxi sharing has not been as successful as in the North. The Oscar Faber Report believes that this is because of a

- Lack of supply of taxis at peak times.
- Lack of demand for services offered.
- Lack of professionalism in the planning and marketing of the scheme.

Many believe that the establishment of a permanent taxi-sharing scheme for Dublin is viable under deregulation. They believe that there would be sufficient demand for such a service as there are large numbers who travel both to and from bus and train stations daily and to and from the airport. The Faber Report proposed that taxi-sharing ranks be at Foster Place on Dame Street where it was previously and at Dublin Airport. It may be that other ranks would have taxi-sharing positions over time if the system worked well.

Dublin taxi sharing seemed to be quite a success around Christmas time in an effort to reduce long queues. Those willing to share formed a queue at three city centre ranks to facilitate arrangements for taxi sharing. Marshalls employed by the Corporation matched passengers to cars with the city divided into eight zones, each with three price levels covering a nine mile radius.

We believe that the system of taxi sharing is no longer applicable in Dublin under full entry deregulation. We say this because there should be enough taxis to cater for demand even at peak times as illustrated in the results of our survey of passenger and taxi waiting times.

A Survey of Taxi and Passenger Waiting Times After Deregulation

We undertook a study of the effects of current deregulation on the taxi

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service in Dublin on Wednesday January 31st 2001. We conducted the study at three separate times during the day at the Dame Street/College Green rank as we felt it was representative of a busy city centre area. We undertook the study to examine the effects of deregulation to date and to determine if the extra 2,200 or more taxis on the streets were having positive effect.

Our first study was carried out at 10:15 -11:15 an off-peak time. The results were as follows:

- Out of 50 pick-ups just 3 passengers were waiting at the rank for a taxi to arrive and each of these passengers was waiting on average for just one minute.
- The average wait of a taxi for a passenger was 3.22 minutes, with 8 taxis waiting for zero minutes, i.e. no wait, and 2 taxis waiting the maximum time of 9 minutes.

We noted that at certain times the rank was very busy i.e. 10:25 – 10:35, yet at other times there was an absence of both passengers and taxis i.e. 10:15 – 10:20. Taxi congestion at this time was not significant and we were satisfied that at this time demand and supply were met effectively.

Our second study was performed during the peak hour 16:45 – 17:45. We found this time that on average it was passengers who were left waiting on taxis.

- The average passenger waiting time was 2.51 minutes with a maximum of 10 minutes.
- The most people waiting at the rank at any one time –(17:15)- was 13 people. However the queue moved at a quick pace.

The busiest period was from 17:15 – 17:30 where passengers were waiting between 7 – 10 minutes. During this hour 71 fares were picked up, an increase of 21 from the off-peak hour. We also noted that at this time that the level of traffic congestion was high (and several taxi men were at pains to point this out). This may go towards explaining why some passengers were waiting for up to 10 minutes at the rank.

Our final study was undertaken between 2:10am and 3:10am. In our opinion this again represented a peak time. On this occasion we observed that taxis were waiting on passengers. The average taxi waiting time was 2.54 minutes. When

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we joined the queue at 3:30am, we had a wait of 9 minutes as did the other 12 people in the queue. This made us realize that this time may not have been representative of a peak time.

As we believe our findings are representative for the city centre as a whole, one could say that deregulation has had a positive effect. Passenger waiting times never exceeded 10 minutes during peak times as opposed to an astonishing 90 minute waiting time outlined in the Oscar Faber report. The report also observed that taxis had to wait for long periods during the day waiting for passengers. This was not the case in our survey. We found that taxis waited no longer than 3.22 minutes. Perhaps the 3year lag explains the difference in results. Another reason may be due to Ireland's economic boom, disposable income has increased and many people have more money to spend thus meaning that more people may be inclined to use taxis at off-peak times. Overall we feel that it is possible to say that deregulation is having a positive effect.

Conclusion

We consider that the entry deregulation of the Dublin Taxi industry has been quite successful so far. Supply is coming closer to meeting demand but they are likely to never fully meet because there will always be people waiting for taxis while empty taxis drive around elsewhere. This is just the nature of the market. On the other hand we believe that fare deregulation should not occur and we would suggest that price controls stay in place for the time being. Overall then we feel that the Dublin Taxi industry has moved towards being a more contestable market. All in all though, service has improved and we must commend Minister Molloy and the Government on a job well done.

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