



ADMINISTRATIVE REPORT

Report Date: March 11, 2015
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Meeting Date: March 25, 2015

TO: Standing Committee on Planning, Transportation and Environment
FROM: General Manager of Community Services
SUBJECT: Updates to Taxi Regulations and Procedures for Chauffeur's Permits

RECOMMENDATION

- A. THAT Council approve amendments to the Vehicles for Hire By-law as described in this report.
- B. THAT Council instruct the Director of Legal Services, should the Director deem it be advisable, to bring forward a By-law to amend the Vehicles for Hire By-Law, generally in accordance with Appendix B.
- C. THAT Council direct staff to continue to work with the Vancouver Taxi Roundtable on other operational measures to improve customer service, especially at peak periods.

REPORT SUMMARY

The purpose of this report is to propose amendments to the Vehicles for Hire By-Law to:

- 1. Enhance quality of taxi service, increase enforcement measures, and modernize the requirements to reflect current business practices, passenger expectations, and a new provincial vehicle identification rule; and,
- 2. Update and clarify criteria for issuing, suspending and cancelling a chauffeur's permit.

This report also includes an analysis of some key service gaps.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The Motor Vehicle Act (Section 36, ss. 11) and the Vancouver Charter give Council the authority to regulate taxis through the Vehicles for Hire By-Law (No. 6066)(the "By-

law"). The purpose of the By-law is to ensure a high level of passenger safety, security and customer service.

The Motor Vehicle Act also authorises the City to issue permits to any chauffeur who operates a motor vehicle carrying passengers for hire. The Chief of Police holds the authority to issue, deny, suspend and cancel a chauffeur's permit; however, appeals of the Chief's decision are adjudicated by Council.

On February 17, 2014, the PTB approved a requirement for each taxi to display a unique vehicle identification code on the inside and outside of the vehicle.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the above recommendations.

REPORT

Background/Context

The Vancouver Taxi Roundtable brings together representatives of the taxi industry, Tourism Vancouver, the Passenger Transportation Branch, the Justice Institute and the City of Vancouver to discuss issues of mutual importance with the aim of improving taxi service levels throughout Vancouver.

Strategic Analysis

The importance of continuously improving taxi service quality gives rise to staff recommendations to update to the Vehicles for Hire By-Law. These are set out in detail in Appendix B and summarised as follows:

A. Regulations

1. Customer Service Improvements

Recommended Amendments: add new quality of service requirements regarding map-enabled GPS service, a maximum vehicle age (seven years), lost and found service, taxicab hours of operation, window tinting, and service for disabled passengers.

Rationale: improve safety, security and customer service for passengers, including those with disabilities.

2. Enforcement Measures

Recommended Amendments: add new requirements to facilitate enforcement of the By-law, including increasing the fines to provide greater incentive to comply.

Rationale: illegal taxi pick-ups appear to be a common occurrence during peak taxi service periods. They undermine approved regulatory decisions and industry

viability. The amendments will give Vancouver Police additional means to easily identify and deter violations.

3. Regulatory Modernization

Recommended Amendments: update requirements regarding communications systems, vehicle types, insurance, advertisements, lessee cabs, record-keeping, meter seals, and plate transfers.

Rationale: technologies, business practices and advertising methods are regularly changing. The updated requirements will enable greater flexibility to the industry to keep its operations up to date.

4. Part-time Taxis

Recommended Amendments: regulate the hours of part-time taxis (to align with PTB requirements), and create a licence fee category.

Rationale: the updated requirements will enable enforcement against non-compliant part-time taxis (i.e. operating outside the allowed days and hours) and create clarity for the licence fee.

B. Chauffeur's Permits

The purpose of the chauffeur's permit review is to protect the comfort, safety and personal security of taxi patrons and the general public. A taxicab, limousine, or school shuttle van driver has a great deal of contact with members of the public, and is responsible for the safe and secure transport of patrons. As a result, the City requires all taxicab, limousine and school shuttle van drivers to hold a Chauffeur's Permit (CP). Before issuing a CP, the Police (VPD) check that the applicant possesses the necessary training and skills for the job, and has not committed offences that relate to transporting passengers safely (e.g. criminal offenses, driving infractions).

Upon review of the current system for permit issuance, staff have identified three main issues:

- some criteria for CP approval do not align with the City's objectives (i.e. some criteria should be strengthened to protect public safety, while others are onerous and should be adjusted);
- the criteria lack flexibility for the VPD to apply discretion when considering mitigating circumstances before denying a CP¹. This also limits Council's discretion when considering appeals of the VPD's decisions ; and,
- the process is unclear with respect to suspending or cancelling a permit after it has been issued (i.e. in the event that the driver subsequently demonstrates he or she is problematic).

¹ A staff review of the process for denying a chauffeur's permit in other municipal jurisdictions found that Vancouver is presently much more restrictive than Victoria, District of North Vancouver, Abbotsford and jurisdictions policed by the RCMP in the Lower Mainland and the Fraser Valley.

In response, staff are recommending updates to the criteria for CP applications and suspensions. These are set out in Appendix B and summarised below:

1. Permit Applications

The process in which the Chief Constable considers a CP application would be updated by:

1. Defining more clearly the specific criteria under which a permit must be denied. The mandatory refusal criteria would include the most serious offences related to passenger and public safety;
2. Adding a requirement that an applicant must consent to a criminal record check; and,
3. Allowing holders of Class 1 and 2 driver's licences to obtain a CP.

The other existing criteria would remain unchanged (i.e. CPs must be denied if the applicant does not have an appropriate driver's licence, sufficient training, or a position with a licenced company).

2. Discretionary Grounds For Permit Refusal

A new, discretionary category for permit refusal would be created. This would allow the Chief Constable to consider a broad range of an applicant's past driving violations (including impaired driving and By-law infractions) and Criminal Code offences. Given that certain violations or offences are unrelated to public or passenger safety, the Chief Constable will be given discretion to consider whether an applicant's past violations warrant permit refusal.

3. Permit Suspensions

The proposed By-law changes would clarify the discretionary authority under which the Chief Constable may suspend a CP in the event that an existing permit holder commits an offence, a violation or otherwise indicates a risk to public or passenger safety.

Presently the By-law does not set out the conditions for the Chief Constable to exercise this authority. The need to do so has become more urgent since 2011 when the City began to allow for longer (i.e. two-year) Chauffeur Permit terms.

In addition, to enable the City to keep abreast of existing CP holders, taxi drivers would be required to apprise the Chief Constable if they are charged with, or convicted of, an offence.

C. Other Updates

Several minor updates are recommended at the same time to correct and remove unnecessary regulation with respect to funeral cabs, limousines, and driver instruction vehicles.

Taxi and Limousine Industry Consultation

Representatives of the taxi and limousine industry were consulted three times on the proposed By-Law amendments. They were generally supportive of the changes to the rights and obligations proposed in this report, including those to increase the safety and comfort standards. They offered suggestions for improvement, many of which have been incorporated into staff's recommendations.

Vancouver's taxi companies raised concerns about unfair competition from illegal operators. Staff are working to address these through a combination of By-law amendments and enforcement.

Liaison with VPD

The Vancouver Police Department's Traffic Section was directly involved in the preparation of this report.

Service Gaps

Staff, in consultation with the taxi industry, have identified several gaps in taxi service. The gaps, and the potential solutions, are as follows:

a) Taxi travel times - bus lanes

In busy urban areas, traffic congestion can be frustrating for taxi passengers and drivers alike. The City has recently amended bus lane regulations to allow taxis to travel (but not stop) in bus lanes. This has improved travel times and customer satisfaction for taxi passengers. Initial concerns from transit drivers have been allayed, partly due to self-managed enforcement measures being led by the Vancouver taxi companies. Staff will continue to monitor and report to Council on any issues that arise.

b) Illegal passenger pickups

Lack of enforcement of illegal taxi pickups by suburban taxis has been raised as a concern by the Vancouver taxi companies. A study conducted for the Vancouver Taxi Association estimates that 9 to 16 percent of trips Downtown on weekend evenings are illegal pickups².

While enforcement is a responsibility of the Ministry of Transportation and Infrastructure through the Commercial Vehicle Safety and Enforcement branch (CVSE), its resources are limited and it prioritizes safety issues. The CVSE on behalf of the PTB carries out periodic taxi enforcement campaigns, and issues administrative penalties (\$500 each). City staff in conjunction with the VPD have initiated some additional enforcement to deal with illegal taxi and limousine pickups and drivers without valid chauffeur permits (see Table 2 below).

² "Peak Demand and Supply of Taxis In Vancouver's Downtown Entertainment District", 2012, Garland Chow, Associate Professor, Sauder School of Business.

**Table 2: Taxi Enforcement: Illegal Pickup Enforcement
(January 2012 to June 2013)**

	Tickets Issued ³
Administrative Penalties (\$500) Issued by PTB	68
By-law Tickets (\$250) Issued by VPD	91
Total	159

The magnitude and ongoing nature of these violations suggests that current penalties may not be strong enough. This report recommends an increase in minimum fines for illegal pickups to \$500 per violation (from \$250), making it consistent with the fine for taxi trip refusals. Furthermore, staff have encouraged the CVSE to implement a progressive penalty framework that increases fines for repeat offenders.

c) Lack of driver training on handling disabled passengers

In the past City and PTB staff have received complaints from some members of the public that some taxi drivers do not have the knowledge to properly secure the various types of mobility devices in taxis. To address these concerns, Vancouver's taxi companies developed a training program in consultation with key stakeholders (the BC Coalition of People with Disabilities). They have provided this training to all their drivers. This supports a goal in the Transportation Plan 2040 (i.e. mandatory taxi driver education for transporting passengers with disabilities).

Staff will continue to monitor feedback from passengers on the issue of driver knowledge to gain a better sense of the efficacy of this training program.

Implications/Related Issues/Risk

Financial

There are no financial implications.

CONCLUSION

This report recommends amendments to the By-Law to update regulatory requirements for the taxicab industry, and clarify the permitting procedures for drivers. For passengers this will mean enhanced safety, security and customer service. For the industry, the regulations and processes will become clearer and more predictable. For the City, the enforcement tools will be strengthened for the infrequent cases where disciplinary action is necessary.

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³ Note: illegal pickup tickets were issued during several multi-day enforcement campaigns. This data does not represent the total estimated illegal pickups during the 18 month period.

Actions from Transportation 2040 Related to Taxis

C 3.1.4. Work with taxi industry to facilitate on-board carrying capacity of bicycles on taxis.

T 4.1.3. Support alternative delivery mechanisms for paratransit services—including potential increased use of taxis—to lower per-ride costs, improve reliability, and reduce booking times.

T 4.1.4. Require taxi driver education, training, and testing to ensure safe and sensitive service for customers with disabilities.

T 6.2.4. Support integrating the Compass Card system with other forms of transportation, including bike sharing, car sharing, parking payment, private ferry services, and taxis.

M 6.1.1. Pilot and evaluate a program that allows taxis to travel in bus lanes.

M 6.1.2. Continue to facilitate taxi loading and unloading at high-demand locations.

M 6.1.3. Support incorporating taxis into TransLink's Compass Card system.

M 6.1.4. Through the Vancouver Taxi Roundtable, continue working with partners to improve taxi services by:

- a. exploring measures such as low-carbon vehicles, bike racks, fleet optimization, centralized dispatch systems, use of GPS and other technologies, ride sharing, and flat-rate fares for certain trips;
- b. encouraging the Ministry of Transportation and Infrastructure and Passenger Transportation Board to implement innovative service improvements;
- c. supporting the development of a province-wide taxi service data collection and monitoring system; and
- d. streamlining taxi regulations and developing a more comprehensive approach to regional service planning.

M 6.2.1. Require taxi driver education, training, and testing to ensure safe and sensitive service for customers with disabilities.

Proposed Amendments to Vehicles for Hire By-Law:

A1. Customer Service Improvements

	Current Requirements	Recommended Requirements
Global Positioning System (GPS)	Required on-board	Required on-board <u>and</u> must be operational at all times, map-enabled, and able to provide trip route information Required to retain the GPS data for 180 days
Maximum Vehicle Age	None for existing taxis, but new taxis must be <2 years old	Two years for new taxis and not more than seven years for all taxis
Lost and Found Service	Lost items provided to VPD	Lost items to be returned immediately, stored for pickup by the owner, or delivered to the VPD
Service Hours	All taxis are required to be available for hire at least 10 hours a day, six days a week	Full-time taxis are required to be available for hire 24 hours a day, seven days a week except for times taxis are out of service due to accident, repairs, testing or police investigations. Part-time taxis are allowed to provide lesser hours of service.
Disabled Service	No requirement for service priority Allowed to refuse service to disabled passengers	Required to prioritise service requests from disabled passengers Required to provide service to all orderly passengers, including disabled passengers
Window Tinting	Not allowed	Allowed in dual taxis only to facilitate passenger comfort

A2. Enforcement

	Current Requirements	Recommended Requirements
Top Light Operation	No requirement	Taxis may not operate with top light on except during the licensed times and in the allowed locations

Vehicle Identification	n/a	Require all taxis to display a unique identification code to enable easy identification of each vehicle	Require part-time taxis to display an “S” to indicate their special status
Fine for refusing service, illegal service hours, cruising or indirect route	\$250		\$500

A3. Modernization

	Current Requirements	Recommended Requirements
Communications	Two-way radio required	Also allow other suitable communication technologies
Taxicab Vehicle Type	Required to be a 4-door sedan or similar SUVs not allowed	Allow licence holder to select vehicle type flexibility, including SUVs
Dual Taxicab Liability Insurance	\$1,000,000 required for each vehicle capable of carrying handicapped people	Eliminate (should be determined by the companies)
Dual Taxicab Advertisement	Required in Yellow Pages	Required in medium of licence holder’s choice (e.g. social media, print media, etc.)
Lessee Cab Drivers	Unclear whether permitted	Allowed (flexibility of the company to determine their own business model for taxi operation)
Record-keeping	Records of trips must include “origin and destination”	Clarified to require that records must contain “address or intersection” of the origin and destination
Record-keeping	Requires “speedometer” reading at start and end of shift	Change to “odometer” reading to correct error

Meter Seal	Inspector must seal meters after testing	Inspector may seal or approve an existing seal after testing
Plate Transfers	No requirement	Prohibit the transfer of licence plates among vehicles (except for vehicle replacement due to age, accident or repair)

A4. Part-time Licences

	Current Regulations	Recommended Regulations
Part-time Licences	n/a	Limit part-time operations to only between 3 pm and 6 am on weekends and special events (i.e. New Year's Eve, Halloween, high-volume cruise ship days, and summer firework nights)
Part-time License Fees	n/a	\$532 (same as the full time fee)

B. Chauffeur's Permit

	Current Requirements	Recommended Requirements
Mandatory Permit Refusal	Must refuse applicant for violation of any federal, provincial or city requirements in the previous five years if offence relates to transporting passengers	Greater clarity on grounds for refusal: <ol style="list-style-type: none"> a. Conviction for a sexual offence b. Conviction for a Criminal Code offence related to driving a vehicle for hire within the previous three years c. Conviction of three or more different motor vehicle incidents in a vehicle for hire within the previous two years d. A drinking and driving or narcotics prohibition, or has refused to provide a breath sample, while driving a vehicle for hire within the previous three years
	No requirement to provide for criminal records check	Required
	Must hold a Class 4 (taxi) licence	Must hold a Class 1, 2 or 4 licence
Discretionary Permit Refusal	Not possible	Discretionary refusal possible after considering the risk to public safety and security represented by any and all of the applicant's convictions, charges or allegations of offences under federal, provincial or municipal law, including those incurred while off-duty
Permit Suspensions	Not possible	Chief may suspend or cancel Permit if indications that the driver is unfit or a risk to safety or security
Notification of Violations	Not required	Driver required to apprise Chief Constable of Motor Vehicle Act or Criminal Code offences within six months of charge/conviction

C. Other Updates

Funeral Cabs (e.g. hearse)	Licence required	Licence not required
Limousine Rates	Must file tariff rates with City	No need to file rates
Driver Instruction Vehicles	Limit on passengers	No regulation (matter is already regulated by Motor Vehicle Act)
Driver Instruction Vehicles	Requirement to comply with other bylaws Requirement to submit course syllabus	No requirements (not necessary)

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