

LIVERY TRANSPORT BYLAW 6M2007 HOUSEKEEPING AMENDMENTS

EXECUTIVE SUMMARY

As required annually in accordance with the Taxi and Limousine Advisory Committee (TLAC) Terms of Reference, Administration and TLAC are putting forward recommended Livery Transport Bylaw 6M2007 housekeeping amendments.

The proposed bylaw amendments are mostly clerical or minor in nature. The more substantial recommendations include the addition of a \$100 clean-up fee for when passengers become ill in a taxi; updating the definition of “previously arranged” as it relates to limousine service; and changes that would require drivers to display their badges at all times, and not just when a passenger is in the taxi.

The clean-up fee is an incentive for drivers to work late nights as it will allow drivers to recoup a portion of their out-of-pocket costs to sanitize their taxis after illness incidents. The updated “previously arranged” definition and driver badge provisions will enhance enforcement efforts for ensuring public safety and consumer protection.

TLAC & ADMINISTRATION RECOMMENDATION

That the SPC on Community & Protective Services recommends that Council give three readings to the proposed bylaw to amend the Livery Transport Bylaw 6M2007 (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

As mandated in its Terms of Reference, specific responsibilities of TLAC include to annually, or as the need is identified, in consultation with Administration, make recommendations to Council on policies and procedures as specified in the Livery Transport Bylaw, or on amendments to the Livery Transport Bylaw.

BACKGROUND

The purpose of these amendments to the Livery Transport Services Bylaw is to ensure that the bylaw remains up to date and reflects the operational changes required to manage Calgary’s taxi fleet. An explanation of the rationale for the proposed amendments to Livery Transport Bylaw 6M2007 can be found in Attachment 2. These changes were unanimously approved by TLAC at its 2013 December 20 regular meeting through report TLAC2013-46.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed bylaw amendments are mostly clerical or minor in nature. Highlights of the more substantial recommendations include:

- The addition of a new “clean up” fee for when passengers soil the interior of a taxi with vomit or bodily fluids. The provision would allow drivers to recoup at least a portion of the costs to clean the interior, loss of revenue due to the taxi being forced out of service and may encourage more drivers to be willing to work at night.
- Clarification that “previously arranged” with respect to limousine regulations means a minimum of 30 minutes. Currently, limo drivers are not permitted to pick up passengers unless the trip was previously contracted. When this regulation was first contemplated in 1994, it was not possible to pre-arrange a limousine virtually on demand as it is today with the advent of Smartphone technologies. Introducing a minimum time frame will help guard against the public safety risk with respect to unlicensed operators providing “on

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demand” curb-side service. When licensed limousines (sedan or stretch/specialized) can be engaged on-the-spot, the risk is that unlicensed “black cars” will increasingly solicit customers, as has been experienced in other jurisdictions. To an unknowing customer, differentiating between a licensed limousine and an unlicensed black sedan can be difficult. In contrast, the fact that taxis are readily identifiable from their markings is one of the reasons why taxis are allowed to provide on demand service. Requiring licensed limousines to pre-arrange at least 30 minutes in advance will aid in enforcement efforts against unlicensed operators and still provides an opportunity for customers and operators to use Smartphone applications to arrange legitimate trips 30 minutes in advance. In other words, with a little pre-planning, there is still a place for the Smartphone applications and licensed sedan limousines service.

- Strengthening the requirement that drivers display their badges. The bylaw already requires taxi and limo drivers to have their badges on display when a customer is in the car. Requiring the badge to be on display even before a customer enters will reinforce the importance of having the badge on display and allow for improved enforcement considering that taxis are rarely pulled over by inspectors when a passenger is present. Customers are advised to take note of the drivers badge number in the event that they would like to submit a compliment or complaint through 311 (Smartphone App, online or by phone).

Stakeholder Engagement, Research and Communication

At the 2013 September 20 regular meeting of TLAC, Administration presented a report outlining potential amendments to the Livery Transport Bylaw 6M2007 (TLAC2013-36). TLAC requested that Administration obtain input from taxi and limousine licensees on the potential housekeeping amendments and report back with final recommended amendments.

Administration presented its final recommended amendments (TLAC2013-46) at the 2013 December 20 regular meeting of TLAC.

Stakeholders were invited to provide feedback on the proposed amendments through both the 2013 September 20 and 2013 December 20 meetings of TLAC.

Three individuals spoke generally in favour of the proposed amendments. One individual questioned the rationale for defining “previously arranged” as it pertains to limousine service to mean at least 30 minutes prior to the time of pick-up. The response to this question is provided in more detail in the “Risk Assessment” section below.

Strategic Alignment

Making recommendations on policies, procedures or amendments to the Livery Transport Bylaw is a specific responsibility of TLAC as outlined in the Council-approved TLAC Terms of Reference.

Social, Environmental, Economic (External)

Introducing an “up to \$100” clean-up fee will help alleviate driver concerns around working peak periods. It will also bring a small measure of compensation to drivers who lose income and pay

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out-of-pocket cleaning costs when passengers become ill in their vehicles and recover a small portion of loss revenue due to out of service conditions.

Clarifying a timeframe for “previously arranged” will protect the public from the risks associated with accessing on demand service from unlicensed sedan limousine operators.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

Clarifying the definition of “previously arranged” to mean 30 minutes is an important public safety and consumer protection consideration. Providing (and accessing) on demand service is riskier for both parties. Licensed taxis are not only highly identifiable by their markings; they are also required to have security cameras for both driver and passenger protection. Limousines, on the other hand, are not as overtly identifiable as licensed livery vehicles. Without the pre-arrangement provisions, customers would face greater risks with respect to unlicensed vehicles offering on demand, curbside pick-up. Requiring the customer and service provider to enter into an agreement prior to the pick-up not only aids in enforcement, it also means that both parties “know” one another which allows for recourse should an issue arise, as opposed to ‘on demand’ service where neither party knows the other and hence the increased requirements of taxi licensees in order to ensure public safety.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendments to Livery Transport Bylaw 6M2007 align with the overall mandate of TLAC, that being to ensure high quality taxi and limousine services and ‘to create and maintain a sustainable industry’ as specified in Bylaw 6M2007. The objective is to ensure public safety, service quality and consumer protection for customers and service providers.

ATTACHMENTS

1. Proposed Wording to Amend the Livery Transport Bylaw 6M2007
2. Amendment Key to the Livery Transport Bylaw 6M2007