

LIVERY SYSTEM UPDATE

EXECUTIVE SUMMARY

As required annually in accordance with the Taxi and Limousine Advisory Committee (TLAC) Terms of Reference, Administration and TLAC are moving forward with recommended Livery Transport Bylaw 6M2007 housekeeping amendments. In addition, following an analysis of newly received livery system data, Administration and TLAC are also moving forward a recommendation related to reporting back on the release of Council approved taxi plate licences.

Key livery bylaw amendments include the introduction of a new fare evasion offence. Currently, there is not a provision in the bylaw for fare evasion and typically this work is referred to the Calgary Police Service (CPS). This proposed change will streamline enforcement efforts by allowing Livery Transport Officers to issue fines and alleviate the current onus on the criminal justice system. Along with the fare evasion amendment, safety and driver accountability amendments would include the addition of an offence for tampering with taxi security cameras, as well as new provisions for taximeters to ensure dispatched calls are accepted by on-duty drivers. Further, an amendment to the taxi plate selection process is also included. This change will remove a driving hour requirement from the selection process, resulting in greater equity among drivers and allowing more drivers to be eligible for the plate selection process.

In terms of reporting back on the release of additional taxi plate licences (TPLs), on 2015 March 30 Council directed Administration to report back in 2015 Q3 with its recommendations for the release of 57 TPLs. Subsequently, new livery system data has become available highlighting the impact of the current economic downturn. Based on a review of this data, Administration and TLAC are recommending that Administration be directed to report back to Council in 2016 Q1 on the release of additional 57 TPLs. This additional time will allow for the continued monitoring of the current economic situation along with the gathering of additional livery system data. Furthermore, Administration and TLAC recommend no change to the taxi meter rates at this time.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Community & Protective Services recommends that Council:

1. Give three readings to the proposed bylaw to amend Bylaw 6M2007, the Livery Transport Bylaw (Attachment 2);
2. Direct Administration to conduct a plate selection process for the release of taxi plate licenses and accessible taxi plate licenses in accordance with the eligibility requirements set out in Attachment 3; and
3. Direct Administration to report back to Council on the release of Council approved taxi plate licences in 2016 Q1.

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RECOMMENDATIONS OF THE SPC ON COMMUNITY AND PROTECTIVE SERVICES, DATED 2015 JULY 15:

That Council:

1. Give three readings to **Proposed Bylaw 31M2015** to amend Bylaw 6M2007, the Livery Transport Bylaw (Attachment 2);
2. Direct Administration to conduct a plate selection process for the release of taxi plate licenses and accessible taxi plate licenses in accordance with the eligibility requirements set out in Attachment 3; and
3. **Direct Administration to report back to Council in 2016 Q1 on the merits of releasing the remaining Council approved taxi plate licenses, and the annual plate release in the 2015 Taxi and Limousine Advisory Committee Work Plan.**

Excerpts from the Minutes of the Regular Meeting of the SPC on Community and Protective Services, Held 2015 July 15:

AMENDMENT, Moved by Councillor Chu, that the Administration Recommendations contained in Report CPS2015-0580 be amended by deleting Recommendation 3, in its entirety, and substituting with a Recommendation 3, as follows:

“3. Direct Administration to report back to Council in 2016 Q1 on the merits of releasing the remaining Council approved taxi plate licenses, and the annual plate release in the 2015 Taxi and Limousine Advisory Committee Work Plan.”

Opposed: D. Farrell

CARRIED

PREVIOUS COUNCIL DIRECTION / POLICY

As mandated in its Terms of Reference, specific responsibilities of TLAC include: making recommendations to Council, in conjunction with Administration, on policies and procedures as specified in the Livery Transport Bylaw; including issues related to the number of license plates and vehicles on the road, fares, rates and fees for taxi and limousines and the related businesses.

The Livery Transport Bylaw 6M2007 was last amended 2014 July 21 through CPS2014-0543 Livery Transport Bylaw 6M2007 Housekeeping Amendments.

On 2015 March 30 (C2015-0170), Council considered the release of 64 taxi plate licences, which included seven accessible TPLs. At that time, Council voted to release the Accessible TPLs and refer the remaining plates (57) to Administration to consult with the Taxi and Livery Advisory Committee (TLAC) and report back on the timing for release no later than 2015 Q3. Council also voted to direct Administration to report back to Council with a recommendation on the release of the remaining 193 plates no later than 2016 Q1, aligning with a TLAC review into enabling new entrants into the Calgary market.

Approval(s): Dalgleish, Stuart, General Manager, and Zhang, Tongjie, TLAC Chair, concur with this report. Author: Broda, Mercedes
City Clerk's: J. Lord Charest

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On 2014 September 22 (CPS2014-0664), Council gave three readings to Bylaw 51M2014 to approve the release of 383 new TPLs, 42 of which are accessible and directed Administration to release one-third of the new plates in Bylaw 51M2014 (126 plates, 14 of which are accessible) immediately and to commence work on a report to Council and return no later than Q1 2015 detailing: data on dispatch service; feasibility of creating an insurance marketplace and any other mechanisms to enhance driver independence; and a schedule for the release of the remaining new plates.

BACKGROUND

The purpose of the proposed amendments to the Livery Transport Bylaw is to ensure that the bylaw remains up to date and reflects the operational changes required to regulate Calgary's taxi and limousine fleet. The rationale for the proposed amendments to Livery Transport Bylaw 6M2007 can be found in Attachment 1. Further, these changes were approved by TLAC between 2014 December and 2015 June.

With respect to taxi plate licences, the release of TPLs is based upon a comprehensive data analysis process. Administration in conjunction with TLAC focuses on actively monitoring the livery system and utilizing this information to inform taxi fleet management practices. This includes utilizing dispatch and telephone intake data to enhance the efficiency of the livery fleet, particularly during peak periods.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

As a means of enhancing safety, driver accountability and equity, and supporting the ongoing enhancement of the livery system, TLAC and Administration have moved forward recommended Livery Transport Bylaw 6M2007 housekeeping amendments.

Livery Bylaw Amendments

In addition to the key amendments highlighted below, TLAC and Administration have also included a number of housekeeping amendments intended to clarify specific sections of the Livery Transport Bylaw. A description of all proposed amendments can be found in Attachment 1, with the proposed wording for the amended bylaw located in Attachment 2.

Fare Evasion

Currently, there is no provision in the Livery Transport Bylaw to penalize customers who evade paying their taxi fare. When these incidents arise they have required the involvement of the Calgary Police Service (CPS) and have been dealt with under the Criminal Code of Canada as a fraud charge. The addition of a new fare evasion offence within the bylaw will streamline enforcement efforts by allowing Livery Transport Officers to issue fines and alleviate the current onus on the criminal justice system. The new offence involves a penalty of \$1,000 (specified) or \$500 (minimum) when a passenger evades payment of their fare or fee. For reference, a specified penalty is the standard penalty issued at the time of the offence, while a minimum penalty represents the lowest penalty which could be issued if the fine was challenged and subsequently changed within the court system.

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Safety Provisions

The taxi security camera system has been an invaluable tool in enhancing safety within the livery system and providing important information in investigating taxi complaints. In order to ensure the integrity of this system a new provision is being included in the bylaw which makes it an offence to tamper with the camera. This includes blocking or obstructing the camera so it cannot capture images of all the occupants of the taxi. The offence includes a penalty of \$1000 (specified) and \$200 (minimum).

In addition to new taximeter provisions, steps are also being taken to enhance the tracking of taxi trips. Each taxi driver is required to maintain a log book to track a variety of information, including: location picked up, destination, etc. This data can then be used in the event of a complaint to verify information pertinent to the investigation. Currently there is a certain amount of ambiguity regarding how long the log book information is to be retained by the driver. As a means of ensuring this information is maintained for when it may be needed, drivers would now be responsible for retaining the log book for one year following the date of their last entry and be required to update their log book by the end of their shift each day. In addition, a new offence is being added for failure to retain a log book. The offence involves a penalty of \$700 (specified) and \$200 (minimum).

Driver Accountability

From a customer service perspective, it is important to ensure that all taxi calls involve a timely response regardless of how lucrative a specific call may be for a driver. One way of avoiding less lucrative calls involves turning on the taximeter when the driver is not currently engaging a customer to give the impression that the taxi is in use. As a means of ensuring this practice is discouraged a new provision is being added to the Livery Transport Bylaw to make it an offence to turn on the taximeter when a passenger is not present. This provision will provide Livery Transport Officers with an additional tool to ensure dispatched calls are taken regardless of perceived benefit to the driver. This change includes a penalty of \$1000 (specified) and \$500 (minimum).

Taxi Plate Selection Process Equity

Ensuring that drivers have equal opportunity to secure a taxi plate when a taxi plate selection process is held is an important component of the plate distribution process. A ruling by the Alberta Court of Queen's Bench has determined that any Taxi Plate Licence (TPL) and Accessible Taxi Plate Licence (ATPL) plate selection process based on the length of time someone has held a taxi drivers licence represents a form of discrimination. The issue has also been raised at the Licence and Community Standards Appeal Board. As a means of ensuring the integrity of the plate selection process, Administration has included a change to the Livery Transport Bylaw to remove the 900 hour driving requirement to acquire a TPL or ATPL. This change will allow for greater equity between drivers and allow more drivers to participate in the plate selection process. As per a recommendation from the Law Department, Attachment 3 contains the requirements to acquire a new TPL and ATPL, as Council confirmation of the plate selection process is required.

The incorporation of these key amendments into the bylaw will facilitate safety, driver accountability and equity, and support the ongoing enhancement of the livery system.

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Taxi Plate Licences/Rates

On 2015 March 30, Council directed Administration to report back in 2015 Q3 with its recommendations for the release of 57 TPLs. Since that time new livery system data has become available highlighting the impact of the current economic downturn. For instance, 2015 Q1 fleet utilization data confirms that the total fare revenue remained consistent between 2014 Q1 and 2015 Q1; however these revenues are being shared by 480 more drivers this year as compared to last. Further, livery system data analysis also highlights a decrease in demand; with 6 per cent (117,000) fewer trips in 2015 Q1 compared to the same period in 2014.

Based on a review of these findings, Administration and TLAC are recommending Administration be directed to report back to Council in 2016 Q1 on the release of previously Council approved TPLs and the annual plate release recommendations. This additional time will allow for the continued monitoring of the current economic situation, the gathering of additional livery system data, and align reporting back on these 57 TPLs, with the 193 TPLs Council has directed be brought back for review in 2016 Q1.

Taxi Plate Rates

The economic context is also impacting TLAC's annual review of taxi rates in 2015. TLAC uses the Taxi Cost Index (TCI) as a means to objectively review taximeter rates and recommended adjustments to Council. The TCI at this time does not indicate the need for any further increase to the rate. Based on this data and an increase of 8.1 per cent to the meter rate in 2014, TLAC recently determined no metre rate adjustment is required for 2015, and therefore no recommendation is being made.

Stakeholder Engagement, Research and Communication

TLAC annually requests submissions from both the taxi industry and the general public for potential amendments to policies and procedures in the Livery Transport Bylaw. These submissions are subsequently reviewed and taken into account when developing annual livery bylaw amendments.

Further, stakeholder research and engagement in regards to increasing transportation options is currently underway. This campaign includes focus groups, a telephone survey and an online feedback questionnaire. Administration will be leveraging this information to enhance the ability of new market entrants to access the livery system, via potential limousine regulation changes and other approaches. This ongoing process also includes research and consultations with other municipalities across North America to develop strategies to ensure access to the market while at the same time maintaining safety and customer service standards.

Strategic Alignment

This report aligns with Calgary City Council's Priorities 2015-2018, a city that moves, specifically strategic action M5: Improve the taxi system.

Further, in accordance with the TLAC Terms of Reference, TLAC is responsible 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.

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Social, Environmental, Economic (External)

The suggested bylaw amendments enhance Administration's ability to enforce the bylaw, prevent fair evasion, and ensure safety measures that protect both drivers and customers. Further, a safe and efficient taxi industry plays a strategic role in the city's economic development while supplementing the use of environmentally-friendly modes of transportation. Additionally, ensuring an appropriate supply of taxi services is essential to maintaining a vibrant and productive community. An oversupply of TPLs would have a negative economic impact on the taxi industry as a whole.

Financial Capacity

Current and Future Operating Budget

There are no operating budget implications associated with this report.

Current and Future Capital Budget

There are no capital budget implications associated with this report.

Risk Assessment

The incorporation of the proposed amendments into the Livery Transport Bylaw will serve to mitigate potential risks associated with livery system safety, driver accountability and equity.

REASON(S) FOR RECOMMENDATION(S):

As required annually in accordance with the Taxi and Limousine Advisory Committee (TLAC) Terms of Reference, Administration and TLAC are moving forward recommended Livery Transport Bylaw 6M2007 housekeeping amendments. The incorporation of these amendments into the bylaw will facilitate safety, driver accountability and equity, and support the ongoing enhancement of the livery system. In addition, following an analysis of newly received livery system data, Administration and TLAC are also moving forward a recommendation related to reporting back on the release of Council approved taxi plate licences.

ATTACHMENT(S)

1. Explanation of Proposed Livery Transport Bylaw Amendments
2. **Proposed Bylaw 31M2015** to Amend Bylaw 6M2007, The Livery Transport Bylaw
3. Taxi Plate Licence/Accessible Taxi Plate Licence Eligibility Requirements