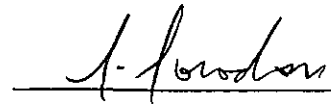


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Revised 01/06/09

APPROVED AS TO FORM AND LEGALITY



City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

**ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER
5.64 "TAXICABS" TO**

- A) MOVE THE ADMINISTRATION OF TAXI PERMITS FROM THE OAKLAND POLICE DEPARTMENT TO THE CITY ADMINISTRATOR'S OFFICE AND**
- B) MOVE THE INITIAL AND ANNUAL INSPECTION OF TAXIS FROM THE OAKLAND POLICE DEPARTMENT TO THE PUBLIC WORKS AGENCY**

WHEREAS, the protection of the public health and safety are the paramount considerations in the interpretation and enforcement of taxicab regulations; and

WHEREAS, the interpretation and enforcement of primarily administrative regulations can be accomplished by the City Administrator's Office without compromising public health and safety; and

WHEREAS, the Public Works Agency is equipped and staffed to perform regular taxi inspections in furtherance of the protection of public health and safety; and

WHEREAS, moving the administrative and inspection requirements of the taxicab regulations from the Oakland Police Department to the City Administrator's Office and Public Works Agency respectively will allow the Oakland Police Department staff previously assigned to those functions to focus on law enforcement and protective services to the Oakland citizenry at large;

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. It is the intent of the City Council in enacting this ordinance, to improve the safety of Oakland's taxicab industry, the availability of taxis to residents and visitors, and the quality of the consumer's experience with Oakland taxicabs.

SECTION 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

SECTION 3. The City Council finds and determines that the adoption of this Ordinance is exempt from CEQA under Sections 15061(b)(3) of the State CEQA Guidelines and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

SECTION 4. Oakland Municipal Code Chapter 5.64 is hereby amended to read as follows; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed:

SECTION 5. This ordinance shall be effective upon approval by the City Council of the City of Oakland.

Oakland Municipal Code Chapter 5.64 is amended as follows:

Chapter 5.64 TAXICABS

5.64.010 Title.

5.64.020 Findings and purpose.

5.64.030 Definitions.

5.64.040 Fleet management permit.

5.64.050 Vehicle permit.

5.64.055 Operating permit.

5.64.060 Spare taxicabs.

5.64.070 Driver permits.

5.64.075 Temporary driver permit.

5.64.080 Permit administration.

5.64.090 Insurance requirements.

5.64.095 Controlled substance and alcohol testing certification program.

5.64.100 Fare structure.

5.64.110 Public convenience and necessity.

5.64.120 Taxicab stands.

5.64.130 Taxicabs from other municipalities.

5.64.135 Violations

5.64.140 Temporary freeze on fees charged by taxi companies for lease of cabs

5.64.010 Title.

This chapter shall be known as the taxicab standards ordinance. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.1)

5.64.020 Findings and purpose.

The City Council of Oakland does find that:

- A. Taxicabs provide an essential component of the public transit system which serves the city; and
- B. Taxicabs are operated by private companies which utilize public rights-of-way in the delivery of their service; and
- C. Appropriate efforts must be undertaken to ensure that taxicab companies, their employees, and drivers take all reasonable actions to ensure protection of the public health and safety when providing taxicab services; and
- D. The city's administration of taxicab regulations should not unduly burden the taxicab industry; however, the protection of the public health and safety shall be deemed paramount in the enforcement and interpretation of taxicab regulations. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.2)

5.64.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Chief of Police" shall mean the Chief of Police or his or her designee.

"City Administrator" means City Administrator or his or her designee.

"Driver" means every person driving a taxicab as defined by this chapter.

"Driver permit" means the annual permit issued by the ~~Chief of Police~~ City Administrator which authorizes the recipient to drive a taxicab for a specified fleet manager within the city.

"Fleet Management Permit" means the permit issued by the ~~Chief of Police~~ City Administrator which authorizes the overall operation and management of all taxicabs using the same name and vehicle color combinations.

"Fleet manager" means that person designated by the holder of the fleet management permit as the person responsible for all operations under the fleet management permit.

"Operating permit" means the permit, issued by the ~~Chief of Police~~ City Administrator, which evidences that a vehicle designated by the ~~Chief of Police~~ City Administrator to operate for a specific fleet has been inspected and certified to operate as a taxicab.

"Owner" means any person, partnership, cooperative, corporation, firm, or association who is named as the registered owner of a vehicle which is used as a taxicab in the city, including but not limited to, receivers or trustees appointed by any court.

"Public Works Agency" means the Director of Public Works or his or her designee.

"Taxicab" means every passenger vehicle designed for carrying not more than eight persons, excluding the driver, used to carry passengers for hire, and which is operated at rates per mile or upon a waiting time basis or both.

"Taxicab" does not include ambulance vans ("ambuvans") or limousines.

"Taximeter" means a mechanical or electronic device by which the charge for the hire of a taxicab is automatically calculated, either for distance traveled or for waiting time, or both, and upon which such charge is plainly registered by means of figures indicating dollars and cents and which is visible in the rear passenger compartment.

"Vehicle permit" means the permit issued by the ~~Chief of Police~~ City Administrator to qualified taxicab owners which authorizes them to operate taxicab vehicles meeting established standards within the city. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.3)

5.64.040 Fleet management permit.

A. It is unlawful for any person, partnership, cooperative, corporation, firm, or association to engage in the business of operating or managing a taxicab company, fleet, or taxi service in the city without first obtaining a fleet management permit as specified by this section.

B. Application for a fleet management permit shall be filed with the ~~Chief of Police~~ City Administrator. The form and contents of such application shall be specified by the Chief of Police; however, the following shall constitute the minimum requirements to qualify for a fleet management permit:

1. Proof that the fleet management permit applicant has insurance which satisfies the requirements of Section 5.64.090 and which is adequate to cover all vehicles permitted under the name and vehicle colors for which the applicant is responsible;
2. Designation of a manager to whom all correspondence and official notices may be directed and who is authorized to and is responsible for the conduct of all business with city officials charged with enforcing the provisions of the Chapter. The fleet manager is subject to the approval of the ~~Chief of Police~~ City Administrator and shall be subject to the same requirements as permit holders under subsections E and F of Section 5.64.080;

3. Disclosure of the names, residence, and business addresses of the designated manager, all directors, officers, partners, and associates directly or indirectly holding a financial interest in the applicant and the proposed fleet management permit. A copy of the current, valid fictitious business name certificate under which the applicant does, or intends to do, business;

4. A complete description of the fleet's proposed operations, including a radio-dispatching service provided either by the applicant or another party under contract, including all licenses for the operation of all radios whether directly or by contract. Failure to operate according to the proposed terms shall be considered a violation of this chapter;

5. Authorization from the ~~Chief of Police~~ City Administrator to use a proposed color scheme for each vehicle in the fleet;

6. Proof that the fleet's operations are conducted in conformance with zoning laws;

7. A list of all vehicle permits that the fleet management permittee will manage.

C. Fleet management permittees are required to maintain for a period of not less than one year all records pertaining to the fleet manager's operation and management, including but not limited to all waybills completed by drivers, all dispatch logs, all vehicle inspection records, driver training records, passenger complaints, citation records, leasing records, and insurance records. Fleet managers shall make available for inspection, Monday through Friday from nine a.m. to five p.m., all such records. Fleet managers shall take reasonable efforts to ensure the completeness and accuracy of all records. Any records which are determined to be inadequate, inaccurate, or any request which is not complied with may result in the suspension or revocation of the fleet management permit pursuant to section 5.64.080.

D. Fleet management permittees shall be responsible for all aspects of the fleet management and day-to-day management operations, including but not limited to drivers and vehicles operated under the fleet management permit. Any violation of any provision of this chapter by a driver or vehicle may be grounds for suspension or revocation of the fleet management permit pursuant to section 5.64.080, and any violation by a driver or vehicle may also be imputed to the fleet management permittee for the purposes of prosecution of violations pursuant to section 5.64.135;

1. Fleet managers shall provide to drivers receipts for all fees collected from said drivers.

2. Upon driver request, fleet managers shall provide all information and documentation on insurance claims filed or processed for accidents and/or other vehicle damage in which said driver was involved.

E. The Chief of Police may deny the granting of any fleet management permit if the applicant has been convicted of any crime, taking into consideration the nature and circumstance of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation.

F. Fleet management permits issued under the provisions of this chapter shall be effective for the calendar year for which the permit is issued only. All fleet management permits shall expire on December 31st of the year for which the permit is issued. Fleet management permits must be renewed annually by the fleet management permittee by submitting a completed application with required documents as set forth in this section no later than November 15th.

G. Any person, partnership, cooperative, corporation, firm, or association in receipt of a fleet management permit shall designate one person as the fleet manager. The fleet manager shall be jointly and severally liable with the fleet management permittee for all acts and omissions arising from the operation of the fleet.

H. Fleets consisting of ten (10) or more vehicles shall provide taxi coverage to all parts of the City twenty-four (24) hours per day, seven (7) days per week. The City Administrator shall divide the City into geographic areas and determine the required level of coverage for each area and time of day. In establishing these requirements the City Administrator, or authorized designee, shall consider the number of vehicle permits managed by each fleet and shall assign the required coverage levels proportionately.

As part of the annual renewal process, Fleet Managers of fleets consisting of ten (10) or more vehicles shall submit a plan for meeting the required level of coverage, as determined by the City Administrator. However, for calendar year 2009, the coverage plan shall be submitted within 30 days of request by the City Administrator. Fleet managers shall maintain records demonstrating compliance with the coverage plan including but not limited to daily records for each permitted vehicle in the fleet showing the name of the driver(s), the time of day and the geographic area serviced by each vehicle. These records shall be maintained by the fleet management company for at least one year and shall be submitted to the City on a quarterly basis in January, April, July and October of each year.

Failure to operate the fleet according to the coverage plan, maintain accurate records of actual operation of each permitted vehicle in the fleet, or submit timely quarterly reports shall be a violation of this Chapter and shall constitute a basis for revocation of the fleet management permit and/or any vehicle permits under the ownership, possession or control of the fleet management company.

5.64.050 Vehicle permit.

- A. It is unlawful for any person, partnership, cooperative, corporation, firm, or association to operate or permit to be operated a taxicab within the city without first obtaining a vehicle permit as specified by this section. Application for a vehicle permit shall be made on a form specified by the City Administrator ~~Chief of Police~~.
- B. Upon approval of written application, the holder of a vehicle permit may permanently transfer the permit to a substitute vehicle provided that all provisions of this chapter are met to the satisfaction of the City Administrator ~~Chief of Police~~.
- C. Upon written application to the City Administrator ~~Chief of Police~~, the holder of a vehicle permit may transfer operation of his or her permit to a different fleet management permittee provided that written consent is first obtained from the new fleet manager and the City Administrator ~~Chief of Police~~. Vehicles transferring operations from one fleet management permittee to another are subject to inspection by the ~~Chief of Police~~ Public Works Agency before such transfer may be approved.
- D. Vehicle permits issued by the city are the property of the city and shall not be sold, assigned, bequeathed, leased, or transferred, expressly or by operation of law, unless the City Administrator determines that such sale, assignment, or transfer is made to a proposed permittee who is in compliance with the taxicab operating requirements of this chapter. Vehicle permits may be assigned or transferred upon the payment of the vehicle permit transfer fee in the master fee schedule ~~or~~ and incidental to the sale or devise of the taxicab business with no consideration being exchanged for the permits. A vehicle permit transfer will not be recognized by the City unless and until all other requirements of this chapter for operating the vehicle have been met. However, nothing contained in this section is intended to impair a valid contractual obligation regarding the temporary transfer of interest in a vehicle permit if such contractual obligation was entered into prior to the effective date of the ordinance codified in this section. Whenever at any time after the initial issuance of permits to a business entity, or at any time after the entity was last required to evidence compliance under this provision, there has been in the aggregate a transfer of fifty-one (51) percent or more of the ownership interest in the entity, the entity may be required by the ~~Chief of Police~~ City Administrator to evidence compliance with the taxicab permittee requirement of this chapter. A complete copy of each contractual agreement in existence at the time of the effective date of the ordinance codified in this section shall be provided to the ~~Chief of Police~~ City Administrator within thirty (30) days.
- E. Prior to the issuance of a vehicle permit, every applicant for a vehicle permit shall file with the ~~Chief of Police~~ City Administrator a statement, giving the name, address, and telephone number of the taxicab fleet management permittee through which taxicab service is to be made available to the public pursuant to the permit for which application has been made. No vehicle permit shall be registered to more than one fleet management permittee. All outstanding permittees must file such a statement with the Chief of Police within thirty (30) days of the effective date of this chapter.
- F. The ~~Chief of Police~~ City Administrator shall issue a metallic medallion for each vehicle permit issued pursuant to this chapter upon compliance with the insurance requirements of Section 5.64.090. During all hours of operation of a taxicab the medallion shall be secured as designated by the ~~Chief of Police~~ City Administrator and shall be clearly visible from the exterior of the taxicab. The medallion issued for any vehicle shall be surrendered to the ~~Chief of Police~~ City Administrator at any time that the insurance for that vehicle does not meet the requirements of Section 5.64.090, or at any time the vehicle permit is suspended, and shall be restored to the permittee when proof of insurance is provided to the ~~Chief of Police~~ City Administrator or evidence is provided to the ~~Chief of Police~~ City Administrator that the condition(s) giving rise to the suspension has been corrected. Every taxicab permit holder shall pay the city a sum to cover the cost of producing and processing each such metallic taxicab medallion as may be issued to him or her. Such fees shall be paid at once, upon issuance, in an amount set in the master fee schedule; provided, however, that such medallions may be transferred between vehicles in accordance with the provisions of this chapter. Any out-of-service taxicab or spare taxicab vehicle with a permit from the city which is driven on the city streets and ways shall display such sign or signs as shall be designated by the ~~Chief of Police~~ City Administrator indicating that such vehicle is out of service. (Ord. 12340 § 1 (part), 2001; Ord. 12100 (part), 1998; Ord. 12034 § 1 (part), 1998: prior code § 5-29.5)

5.64.055 Operating permit.

A. Application for an operating permit shall be filed with the City Administrator ~~Chief of Police~~. The form and contents of the application shall be specified by the City Administrator ~~Chief of Police~~; provided, however, the following standards constitute the minimum requirements to qualify for an operating permit:

1. Written acknowledgment by the manager of a fleet management permittee that the vehicle for which the operating permit is issued is authorized to operate using the color scheme and name of the fleet management permittee and that the fleet management permittee assumes responsibility for the operation of the vehicle;
2. Proof that the vehicle is covered by the insurance of the fleet management permittee;
3. Presentation of a city business tax certificate which demonstrates that such tax is not delinquent for the current year or any previous year;
4. Presentation of a valid certificate of registration for the vehicle issued by the California Department of Motor Vehicles. The permit applicant must be named as the registered owner of the vehicle;
5. Proof that a taximeter of a type approved by the City Administrator ~~Chief of Police~~ has been installed in the vehicle and has been certified by the County of Alameda Bureau of Weights and Measures subsequent to its installation in the vehicle;
6. Proof that the vehicle is equipped with a two-way radio, in good working order, to be used for taxicab service dispatch purposes, and that the applicant has all applicable licenses for the operation thereof;
7. Disclosure of the names, residence, and business addresses of the owner(s), all partners, and associates directly or indirectly having a financial interest in the ownership of the vehicle or the operation authorized by the operating permit for which application has been made. A certified copy of any fictitious business name certificate, evidence of publication, and an affidavit of publication, under which the applicant does, or intends to do, business;
8. State of California Certificate of Compliance - Brake Adjustment which is valid at the time of the annual inspection;
9. State of California Certificate of Compliance - Motor Vehicle Pollution Control which is valid at the time of the annual inspection;
10. State of California Certificate of Adjustment - Lamp Adjustment which is valid at the time of the annual inspection;
11. The above certificates must be dated within sixty (60) days of the date of the inspection by the Public Works Agency ~~Oakland Taxi Detail~~.

B. Applicants for an operating permit must demonstrate that the vehicle meets specified safety and equipment standards. The Public Works Agency ~~Chief of Police~~ shall publish safety and equipment standards and/or reference other standards with which each vehicle must comply. Such safety and equipment standards must include the installation of a protective partition of a type approved by the City Administrator ~~Chief of Police~~ in the vehicle. The protective partitions may be of a fixed or rolldown design, and their installation applies only to taxicab companies with three or more vehicle permits, and must be installed in no less than thirty (30) percent of that company's vehicles. Taxicab drivers may request to drive taxicabs that do not have safety shields therein. Employing taxicab companies shall provide taxicabs without safety shields to requesting taxicab drivers if such taxicabs are available.

1. Except for vehicles driven solely by the holder of the vehicle permit, taxicab companies with three or more vehicle permits shall install cameras capable of recording the passenger seating area and the area immediately outside the driver's window in taxicabs without safety shields. Such cameras shall be installed within one year from the adoption of this ordinance.

C. The Public Works Agency ~~Chief of Police~~ shall conduct an inspection of all vehicles for which permits are granted under the provisions of this chapter prior to the issuance of an operating permit and at regular annual intervals thereafter on a schedule to be determined by the City Administrator ~~Chief of Police~~.

Such inspections shall determine compliance with all applicable laws and standards. Standards for such inspections as set by the City Administrator ~~Chief of Police~~ shall include the following:

1. Any door, window, hood, or trunk which fails to open or close securely;
2. Peeling defaced, or improperly repaired exterior decals, lettering or numbering;
3. Exterior paint or color schemes which are different from those approved by the City Administrator ~~Chief of Police~~ pursuant to Section 5.64.040(B)(5) or which are not maintained in the condition originally approved by the City Administrator ~~Chief of Police~~;
4. Dirt, broken fixtures, or other conditions in the passenger compartments which could soil or tear a patron's clothes;
5. Rust, dents, or tips in the vehicle's exterior which are more than trivial, or missing components, including, but not limited to, chrome, rubber strips, or other component parts which might snag tear, or injure a driver, pedestrian, or passenger. Any such damage will be considered to be more than trivial when single or multiple areas of damage

affect an aggregate area of at least three linear feet of the cab exterior. The measurement of each damaged area will be taken between the two most widely spread points of the affected surface;

6. Dirty luggage compartments or luggage compartments which are maintained in condition which would soil or damage baggage;

7. Driver or passenger compartments which have litter or trash;

8. Torn or improperly repaired upholstery, headliners or floor covering;

9. Re-tread tires

10. Safety standards as published pursuant to the provisions of subsection B of this section.

D. All taxicabs operating within the city shall have signs containing the following information permanently affixed to the vehicle:

1. On the exterior sides of the vehicle shall appear the name of the fleet management permittee, the insignia of such permittee, and the telephone number of the fleet management permittee. The size and location of vehicle numbers shall be designated by the City Administrator ~~Chief of Police~~.

2. On the exterior and interior sides of the vehicle shall appear the vehicle permit number in a size specified by the City Administrator ~~Chief of Police~~.

3. On the exterior sides of the vehicle, and within the interior of the vehicle in a location readily visible to the passenger, shall appear a sign which states "Driver carries only \$5.00 in change."

4. Within the interior of the vehicle, and in a location readily visible to the passenger, shall appear a sign which states the name of the fleet management permittee, such permittee's address and telephone number, and the vehicle number. The name of the driver shall be posted on a sign, readily visible to the passenger, following the words, "Your driver is". The fares authorized by this chapter shall be listed and the sign shall state, "Drivers may collect only these posted fares." In addition the sign shall state "~~Oakland Police Department, Taxi Unit, 455 7th Street, Oakland, CA 94607~~ Oakland City Administrator's Office, Business Permits Unit, 1 Frank H. Ogawa Plaza, 11th Floor, Oakland, CA 94612 (510) 777-8527. Such sign shall be no smaller than eight by ten inches in size.

5. Within the interior of the vehicle, and in a location readily visible to the passenger, shall appear a sign titled Passenger's Bill of Rights. It shall include the following:

- a. You have the right to be treated courteously.
- b. You have the right to be taken to your destination by the most expeditious route.
- c. You have the right to be picked up and dropped off at a safe location.
- d. You have the right to have your baggage, not exceeding fifty pounds, placed in the trunk of the taxi.
- e. You have the right to pay only the posted fare. Tipping for good service is encouraged.
- f. Passengers with disabilities have the right, upon request, to be assisted entering and exiting the taxi.
- g. Passengers with disabilities have the right to be accompanied by qualified service animals.

In addition the sign shall state, "Complaints and comments may be filed with the ~~Oakland Police Department Taxi Detail Unit~~ or with the Oakland City Administrator. Please specify the vehicle number and driver name." The telephone numbers and email addresses of the ~~Taxi Detail Unit~~ and the Oakland City Administrator or designee shall be included on the signs.

6. All vehicles shall carry complete maps of Alameda County.

7. Within the interior of the vehicle shall appear a copy of the operating permit. The form, contents, and location of the operating permit shall be designated by the City Administrator ~~Chief of Police~~. A vehicle permittee shall be issued a decal for each vehicle upon full completion of the annual vehicle permit renewal and vehicle inspection.

E. In addition to the annual inspections provided for in subsection C of this section, and as authorized under the California Vehicle Code, the Chief of Police may cause spot inspections to be made of any taxicab vehicle, provided that at the time of such spot inspection the vehicle is in service and not transporting a paying customer. If the taxi vehicle fails to pass the spot inspection, the vehicle permit and operating permit may be suspended pursuant to Section 5.64.080F.

F. Any individual who affixes or removes an operating permit without the permission of the City Administrator ~~Chief of Police~~ shall be in violation of this chapter. It is unlawful for any person to operate or permit to be operated a taxicab within the city without having an operating permit affixed to the vehicle. Any taxi driver permittee or fleet management permittee found in violation of this paragraph may have their permit suspended or revoked pursuant to Section 5.64.080.

G. All citations issued for violations of subsections (C)(1) through (C)(9) of this section, inclusive, shall require the person to whom the notice to appear is issued to produce evidence which is satisfactory to the Chief of Police that the vehicle has been made to conform with the requirements of this chapter within thirty (30) days.

H. Operating permits shall be renewed annually on a date to be set for each permit by the City Administrator ~~Chief of Police~~; provided, however, that the renewal date so set shall be within ninety (90) days from the calendar

anniversary of the date on which the vehicle was last inspected and passed. Such renewal date shall also be within thirty (30) days of the date the registration for that vehicle is renewed with the California Department of Motor Vehicles. (Ord. 12340 § 1 (part), 2001; Ord. 12034 § 1 (part), 1998)

5.64.060 Spare taxicabs.

A. Every taxicab fleet management permittee under this chapter shall be entitled to one spare taxicab permit for every five vehicle permits registered with the City Administrator ~~Chief of Police~~ as operated by or in association with such taxicab fleet management permittee as determined by the City Administrator ~~Chief of Police~~ annually commencing on January 1, 1988; provided, however, that every taxicab fleet management permittee shall be entitled to a minimum of one spare taxicab permit. In determining the number of spare taxicab permits to which a fleet management permittee is entitled, such permittee shall receive one additional spare taxicab permit if the number of vehicle permits registered for such permittee is three or four permits greater than any number evenly divisible by the number five. Each such permit may be utilized only with a taxicab vehicle registered with the City Administrator ~~Chief of Police~~ and operated under the provisions of this chapter. Such permits shall not be transferable or assignable either expressly or by operation of law.

B. Spare taxicab permits may be used only when: (1) a spare taxicab authorization order has been issued by the City Administrator ~~Chief of Police~~ based on a temporary public transportation need which justification shall be set forth specifically in the order; or (2) a fleet manager notifies the City Administrator ~~Chief of Police~~ in such form as the City Administrator ~~Chief of Police~~ may require that a specifically identified regularly permitted taxicab is out of service and that a specifically identified designated spare taxicab vehicle shall replace it.

C. Spare taxicab authorization orders issued by the City Administrator ~~Chief of Police~~ shall activate all spare taxicab permits and shall be given in writing and filed with the City Administrator. Holders of spare taxicab permits may be notified orally, by telephone, telegram, facsimile, or by any other convenient means of communication that such an order has been issued and filed. Such orders shall specify an effective time and date and a termination time and date, but shall remain in effect in no case for a duration greater than ten consecutive days. Spare taxicab authorization orders may be extended beyond a ten consecutive day duration only with the written concurrence of the City Administrator.

D. Every spare taxicab vehicle for which a permit is issued shall be inspected at least once each year on a schedule determined by the City Administrator ~~Chief of Police~~ under the standards set forth in section 5.64.055 and also shall be subject to spot inspections under the provisions of Section 5.64.055E.

E. No spare taxicab shall be operated unless at the time such vehicle is placed in service, and at all times while such vehicle remains in service, it is covered by a policy of insurance in such amount(s) as shall satisfy the requirements of Section 5.64.090.

F. The medallion as described in section 5.64.050 shall be placed in the spare taxicab when that spare taxicab is in operation as authorized by the City Administrator ~~Chief of Police~~. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.6)

5.64.070 Driver permits.

A. It is unlawful for any person to drive a taxicab for hire within the city without first obtaining a driver permit as specified in this section.

B. Application for a driver permit shall be filed with the City Administrator ~~Chief of Police~~. The form and contents of the application shall be specified by the City Administrator ~~Chief of Police~~; however, the following constitute the minimum requirements to qualify for a driver permit:

1. Presentation and maintenance of a valid California Driver's License;
2. Written acknowledgment by the manager of a permitted fleet management permittee that the applicant is authorized to drive vehicles operated and managed by that permittee;
3. Proof of completion of a training course approved by the City Administrator ~~Chief of Police~~ including but not limited to training in knowledge of Oakland, safety, appearance, customer relations, and transporting passengers with disabilities.
4. Satisfactory completion of an examination approved by the City Administrator ~~Chief of Police~~ demonstrating knowledge of the streets, ways and principal public places in Oakland, the traffic regulations of the city, and the provisions of this chapter. All taxicab drivers shall receive and provide proof of training annually on safety, appearance, customer relations, transporting passengers with disabilities, and promoting the city of Oakland;
4. Evidence that the driver is covered under the insurance policy covering the fleet management permittee under whom the driver operates;

5. Evidence that the applicant will be an employee of a fleet management permittee and has an offer of employment from a fleet management permittee unless the applicant himself or herself is an individual holding a fleet management permit;

6. Evidence that a person has tested negative for drugs and alcohol through an approved drug and alcohol testing provider within thirty (30) days prior to submitting their driver permit application. A positive test result is grounds for denial or revocation of a driver permit;

7. The City Administrator ~~Chief of Police~~ may deny the granting or renewal of any driver permit if the applicant has been convicted of any crime, taking into consideration the nature and circumstances of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation.

C. Drivers shall take the most direct route possible that will carry passengers safely, lawfully, and expeditiously to their desired destination.

D. Drivers shall not refuse a reasonable request for service from any legitimate customer. Service may be refused when, in the opinion of the driver, accepting a passenger would threaten the safety of the driver.

E. All persons driving taxicabs are required to post their driver permit within the taxicab as directed by the City Administrator ~~Chief of Police~~ and in full view of passengers.

F. Drivers shall maintain waybills which fully and accurately report all fares paid and distances traveled while hired by a passenger. Waybills shall be deposited with the fleet manager for filing. Such waybills shall contain the following information:

1. The driver's name;
2. The correct date;
3. The vehicle permit number;
4. The time each paid trip is begun and completed, entered contemporaneously;
5. The origin and destination of each paid trip, entered contemporaneously;
6. The amount of fare paid for each trip.

G. Fleet management permittees may require drivers to complete a vehicle inspection report in conjunction with other required waybill information.

H. Upon request, drivers shall present their permits or waybills to City of Oakland Police Department officials, the vehicle permit holder, or the fleet manager.

I. Upon request, drivers shall issue to any passenger a receipt for the fare paid for hiring the taxicab.

J. No driver shall permit any taxicab to be parked unattended in any taxi stand for a period of time in excess of five minutes.

K. Every driver shall operate the taximeter to correctly indicate whether or not the taxicab is available for hire, and shall turn the taximeter on at the beginning and off at the end of each trip. Persons operating a taxi vehicle shall not accept fees or compensation for taxi services in an amount other than that indicated on the taximeter at the end of a trip except for services rendered pursuant to the city of Oakland's paratransit program.

L. Drivers shall treat passengers and regulatory personnel courteously.

M. Driver permits shall be renewed on the birthday of the permit holder each year. Driver permit renewal applicants must show compliance with subsections 5.64.070(B)(1), (B)(2), and (B)(4) through (B)(6) of this section, in order to renew his or her driver permit. If a driver permit is not renewed as set forth above, it shall be deemed to have lapsed. No driver shall operate a taxi while his or her driver permit is lapsed.

Any driver permit which has lapsed for thirty-one (31) to sixty (60) days may be renewed upon the payment of a fee specified in the Master Fee Schedule of ~~one hundred seventeen dollars (\$117.00)~~. Any driver permit that has lapsed for sixty-one (61) days or more shall not be renewed, but instead that driver must file for a new driver permit and will be considered a new driver permit applicant.

N. Test results pursuant to mandatory drug and alcohol testing set forth in subsection (B)(6) of this section shall be released directly to the City Administrator ~~Chief of Police~~ if the test results concern a taxi driver permittee or taxi driver applicant who is self-employed. The City Administrator ~~Chief of Police~~ shall notify any company leasing a taxi vehicle to any taxi driver permittee of any positive test results. If the test results concern any taxi driver permittee employed by any fleet management permittee, the test results shall be released to the fleet management permittee. The fleet management permittee shall notify the City Administrator ~~Chief of Police~~ of any positive test results.

O. If the taxi driver permittee or taxi driver permit applicant holds a fleet management permit in his or her name, then he or she shall pay the cost of the testing. If the taxi driver permittee or taxi driver applicant is or will be employed by any fleet management permittee, the fleet management permittee shall pay the cost of the testing, which cost shall not be passed on to the driver, except in the event of a positive test result, in which case the taxi driver permittee or applicant may be charged for the cost of the test by the fleet management permittee.

P. Test results shall not be released without the taxi driver permittee's or applicant's consent, except as set forth above or as authorized or required by law.

Q. Each driver permit issued pursuant to this section must state the fleet management permittee's name on the face of the permit. In the event the taxi driver's employment is terminated for any reason, such driver permit shall be void. The City Administrator ~~Chief of Police~~ shall be notified within ten days of the termination of employment of any permitted driver, and the driver permit must be returned to the City Administrator ~~Chief of Police~~.

R. Denial of a driver permit application is a final decision and nonappealable. An applicant whose driver permit application is denied must wait sixty (60) days from the date of a denial before he/she may reapply. Any application received prior to the sixty (60) day expiration period will not be acted upon until expiration of the sixty (60) day period. (Ord. 12340 § 1 (part), 2001; Ord. 12100 (part), 1998; Ord. 12034 § 1 (part), 1998; Ord. 12027 § 1 (part), 1998; prior code § 5-29.7)

5.64.075 Temporary driver permit.

The City Administrator ~~Chief of Police~~ may grant a ninety (90) day temporary driver permit to an individual whose application for a permanent driver permit is pending. A temporary driver permit shall be in the possession of the applicant while operating a taxicab. Temporary driver permits may not be extended beyond the ninety (90) day period. (Ord. 12100 (part), 1998)

5.64.080 Permit administration.

A. The City Administrator ~~Chief of Police~~ is designated as having responsibility for the administration of the city's taxicab regulations. The City Administrator ~~Chief of Police~~ is authorized to develop standards and procedures which are necessary to implement the requirements of this chapter. Because of the special requirements of the taxicab industry, the issuance of permits specified in this chapter shall not be subject, with the exception of Section 5.64.090, to the provisions of Chapter 5.02, unless specifically so provided in this chapter.

B. Any person, partnership, cooperative, corporation, firm, or association is entitled to apply for a fleet management permit, a vehicle permit, or a spare taxicab permit. Any natural person is entitled to apply for a driver permit. A separate application is required for each permit specified in this chapter. Each permit application must be accompanied by the appropriate fee as specified in the master fee schedule and shall be payable to the city.

C.1. Every fleet management permittee shall notify the City Administrator ~~Chief of Police~~ of any change in the information originally supplied on the permittee's permit application form within ten days of any such change.

2. Fleet management permits shall expire upon the failure to pay the annual city business tax.

3. Application for renewal of any permit issued under the provisions of this chapter shall be made in the conformity with, and shall contain such information as may be required by, rules prescribed by the City Administrator ~~Chief of Police~~. Each renewal application must be accompanied by the appropriate fee specified in the master fee schedule and shall be payable to the city.

D. The ~~Chief of Police~~ City Administrator shall have the discretion to impose the penalties specified by this chapter or to revoke or suspend any permit issued under this chapter for good cause, after a hearing. "Good cause" shall include, but shall not be limited to, violations of this chapter or standards promulgated by the City Administrator ~~Chief of Police~~ pursuant to the provisions hereof, or violations of the California Vehicle Code, or violations of pertinent federal, state, or local laws. Such hearings shall be noticed and held pursuant to Sections 5.02.080, 5.02.090, and 5.02.100 of this code.

E. Vehicle, operating or fleet management permits issued under the provisions of this chapter may be revoked or suspended according to the provisions of Sections 5.02.080, 5.02.090, and 5.02.100 of this code. Any vehicle permit that is not used in Oakland for more than fifteen (15) days in any thirty (30) day period may be revoked pursuant to the foregoing sections unless good cause for abandonment is shown. Any permit revoked under this provision may be reissued by the City Administrator, awarded upon criteria established by a Request for Proposals (RFP), after one hundred twenty (120) days.

F. If, in the judgment of the Chief of Police or the Public Works Agency, suspension of any permit specified in this chapter is necessary to protect the public health and safety, including but not limited to compliance with the insurance requirements of this chapter, the Chief of Police is authorized to suspend permits peremptorily on an emergency basis. An appeal of an emergency suspension may be made informally to the Chief of Police, who shall hear such appeal within twenty-four (24) hours. Emergency suspensions will expire when the conditions which forced the suspension are corrected to the satisfaction of the Chief of Police. An emergency suspension shall last no longer than fifteen (15) days. However, an emergency suspension may be renewed by the Chief of Police if the condition or conditions on which the suspension was made continues.

G. If, in the judgment of the Chief of Police or the City Administrator, the impoundment of a taxicab is necessary in association with the emergency suspension of a vehicle permit or of an operating permit, such impoundment is authorized.

H. All permit holders are required to maintain their current business and home address on file with the City Administrator's Office ~~Police Department's Taxi Unit~~ and to give written notification of any changes thereof to such ~~Taxi Unit~~ within ten calendar days thereof.

I. The City Council may, upon finding that there is an urgent public need, waive or modify by ordinance any or all of the requirements of this chapter and authorize the City Administrator ~~Chief of Police~~ to issue temporary permits to operate taxicabs, without exacting any fee. Such permits will be revocable at any time for any reason by the City Administrator ~~Chief of Police~~. Such temporary permits shall not be revoked in conformity with subsections D and E of this section, but instead shall be revoked immediately on written notice to the holder of the temporary permit. Such revocations are final and nonappealable. (Ord. 12340 § 1 (part), 2001; Ord. 1203 § 1 (part), 1998; prior code § 5-29.8)

5.64.090 Insurance requirements.

A. It is unlawful for any fleet management permittee or any holder of a vehicle permit to operate or allow to be operated any taxicab unless a valid insurance policy, indicating that a motor vehicle liability policy is in effect which covers such taxicab, has been filed with the City Administrator ~~Chief of Police~~. The insurance policy must be issued by a company holding a certificate of authority to do insurance business in the state of California, or by a company doing business through an authorized surplus lines broker. Such insurance shall remain in full force and effect at all times for each taxicab permit; provided, however, that the fleet management permittee may temporarily suspend coverage for any covered vehicle not actually in service or being operated on public streets or ways provided that written notice to the Chief of Police has first been provided by the fleet management permittee.

B. An insurance policy evidencing motor vehicle liability insurance made by a company doing business through an authorized surplus lines broker shall have on it an endorsement substantially as follows:

It is agreed that in the event of a dispute as to the validity of any claim made by the insured under this insurance policy, or in the event of any suit instituted by the insured against the company upon this contract, the company hereon will submit to the jurisdiction of the courts of the State of California, and will comply with all legal requirements necessary to give such courts jurisdiction; and for this purpose said company hereby appoints _____ at _____ Street, _____, California, its agent for the purpose of service of process; and in any suit instituted against the company upon this contract, the company will abide by the final decision of the courts of said State and settle accordingly.

C. The motor vehicle liability policy required under the provisions of subsection A of this section shall name and insure the registered vehicle owner, the fleet management permittee, any permitted taxi driver, and any other person using or responsible for the use of any such vehicle, with the consent, express or implied, of the owner or fleet management permittee, against loss from liability imposed upon such owner or fleet management permittee by law for injury to, or death of, any person, or damage to property growing out of the maintenance, operation, or ownership of any taxicab, to the amount of limit of one million dollars (\$1,000,000.00) on account of injury to or death of any one person, of one million dollars (\$1,000,000.00) on account of any one accident resulting in injury to or death of more than one person, and of fifty thousand dollars (\$50,000.00) for damage to property of more than one person, and of fifty thousand dollars (\$50,000.00) for damage to property of others resulting from any one accident. The amounts set forth above shall be per occurrence and shall not be in the aggregate.

D. Every insurance policy required under the provisions of subsection A of this section shall certify that the motor vehicle liability policy shall not be canceled, nor the policy limits thereof changed, except upon thirty (30) days' prior written notice to:

~~Traffic Division, Taxi Unit
Oakland Police Department
455 Seventh Street
Oakland, CA 94607~~

Business Permits Unit
City Administrator's Office
1 Frank H. Ogawa Plaza, 11th Floor
Oakland, CA 94612

Such motor vehicle liability insurance shall be continuing liability up to the full amount thereof, notwithstanding any recovery thereon; and such insurance policy shall so certify. The City Administrator ~~Chief of Police~~ is authorized to impose additional requirements for the form or content of any insurance policy, provided the additional requirements are not inconsistent with or prohibited by the provisions of this chapter or with state law.

Each fleet management permittee shall be required to provide the City Administrator Chief of Police with written notice within thirty (30) days of any changes or amendments to an insurance policy.

If at any time there arises a question as to the existence, continued validity, adequacy, or sufficiency of a motor vehicle liability policy, the City Administrator Chief of Police may temporarily suspend the fleet management permit or vehicle permit in accordance with Section 5.64.080 and/or may require the registered owner of the motor vehicle or the fleet management permittee named on the policy, or both, to replace such policies within ten days with other policies which meet the requirements established by this chapter. If the owner, fleet management company, or both fails to replace the insurance policy or policies within the said ten-day period with sufficient policies the City Administrator Chief of Police may then continue to suspend or revoke the permits issued to the owner, fleet management permittee, or both in accordance with section 5.64.080.

In the event that an insurer has amended or changed a policy four times from the date of its issuance, the fleet management permittee shall be required to file a new, reissued insurance policy with the City Administrator Chief of Police within thirty (30) days after the effective date of any fourth amendment or change.

E. The following endorsement shall be made a part of the comprehensive motor vehicle liability policy in the exact language listed below:

The city, its Council members, officers, agents, and employees are hereby added as additional insureds.

F. Every fleet management permittee or holder of a vehicle permit shall provide to the City Administrator Chief of Police written notice within ten days of any final judgment being entered against him or her or against any taxicab company or vehicle under his or her control if that judgment arises from any accident or injury occurring within the limits of the city or if the person injured entered an Oakland permitted taxicab in the City regardless of where the accident occurred. Failure to provide such notice is grounds for revocation of the fleet management permit or vehicle permit in accordance with Section 5.64.080. Failure of a fleet management permittee or taxi vehicle permittee to satisfy a final judgment arising under the conditions heretofore set forth herein within six months of entry of such judgment shall be grounds for revoking the fleet management permit under which the vehicle permittee operated, revoking the vehicle permit, or both.

G. Failure to comply with the insurance requirements set forth in this section shall be grounds for revocation pursuant to Section 5.64.080. (Ord. 12034 § 1 (part), 1998; prior code § 5-29.9)

5.64.095 Controlled substance and alcohol testing certification program.

Pursuant to California Government Code Section 53075.5(E)(3)(A), a mandatory controlled substance and alcohol testing certification program in compliance with the terms and procedures set forth in Title 49 of the Code of Federal Regulations Part 40, Section 40.1 through 40.111 is added to and incorporated in this chapter by reference as if fully set forth in this provision. (Ord. 12100 (part), 1998)

5.64.100 Fare structure.

A. Rates, fares, and charges for taxicabs and taxicab service shall be as set by the City Council by ordinance. Effective July 1, 2008:

Flag drop (excluding mileage)	\$3.00	
Mileage	0.26	each 1/10 mile
Waiting time	26.00	per hour
Minimum fare		Greater of \$5.00 or taximeter calculated fare
Oakland Airport fee		Fee set by Oakland Airport
Night surcharge	1.00	Trips commencing after 10 p.m. until 6 a.m.
Small animal (except service animal)	1.00	
Additional stops requested	1.00	
Obtaining change	.50	
Luggage that forces trunk open	1.00	
% of fare over 15 mi. out of City	150	

B. Taxicabs may collect any fee that they are mandated by a governmental or regulatory body to pay. Taxicabs may also collect the applicable bridge toll for toll bridges crossed, regardless of whether the crossing is in the direction that charges the toll.

C. Upon a determination by the City Administrator that a gasoline surcharge is warranted due to the cost of gasoline, a surcharge of \$1.00 per trip will be put in effect for a ninety (90) day period. A sign at least five (5) inches by seven (7) inches shall be posted in the interior of each taxicab, stating the amount of the surcharge, the

beginning and ending dates, the section of the Oakland Municipal Code upon which the surcharge is based, and a phone number to call to confirm the validity of the surcharge.

D. The City Administrator may approve lower fares from those heretofore established if such lower fares, including group rides and shared rides, are set forth in a written agreement entered into between any fleet management permittee and programs benefiting persons over the age of sixty-five (65) or persons whose mobility is restricted as a result of a physical disability. Agreements must be able to be readily monitored by the ~~City Administrator~~ Chief of Police and must result in the reasonable reduction of taxicab fares from those heretofore established to be charged to senior citizens.

E. Except as authorized under subsection E of this section, no driver shall accept an additional passenger without the prior consent of any passenger who has already hired the taxicab.

F. It is unlawful for any person to hire any taxicab or to enter and obtain a ride in the same, and to thereafter depart from such taxicab without paying to the driver the legal fare. (Ord. 12340 § 1 (part), 2001; Ord. 12034 § 1 (part), 1998: prior code § 5-29.10)

5.64.110 Public convenience and necessity.

No permit to operate a taxicab in the city shall be granted unless there are not already issued and outstanding a number of permits equal to that for which the City Council shall declare that there exists public convenience and necessity. The City Administrator shall hold public hearings before November 1, 1998 on the number of taxicab permits for which public convenience and necessity exist, and hold hearings on each successive second anniversary thereafter. The City Administrator shall report the findings of the public hearing to the City Council. The City Council shall determine whether to accept or reject the recommendation of the City Administrator.

Taxicab vehicle permit applications shall be accepted following a declaration of public convenience and necessity by the City Council, and shall be processed and granted or denied on the basis of criteria established by a Request for Proposals. Under no circumstances shall the number of vehicle permits issued per company or owner, including relatives to the tertiary degree of a company or owner, exceed thirty (30) percent of the total number of permits authorized. However, this section shall not require the surrender of any permits already issued. Each taxicab vehicle permit application shall remain in effect only until the next scheduled hearing on public convenience and necessity, and shall then expire. Nothing in this section shall be deemed to limit or interfere in any way with permits issued and outstanding on the effective date of this provision. (Ord. 12340 § 1 (part), 2001; prior code § 5-29.11)

5.64.120 Taxicab stands.

Upon their approval of the written application, the Traffic Engineer shall designate throughout the city open places to permit any taxicab to stand while awaiting employment. Such application shall state the number of taxicabs for which the permit is sought and the proposed location of such stands. Such application must be accompanied by the written consent of the person primarily affected, by reason of the fact that the taxicabs shall stand in front of the premises either owned or occupied by him or her or in which he or she is otherwise interested. Not more than three taxicabs shall be permitted to stand upon either side of a street within the limits of any one block unless otherwise designated by the traffic engineer. No permit shall be issued for any stand to be located within seventy-five (75) feet of another such stand on the same side of the street unless otherwise designated by the traffic engineer. No fleet manager shall permit any vehicle operated by him or her and no driver shall cause any such vehicle to stand while awaiting employment in any place other than a stand designated by the Traffic Engineer. It is unlawful for the driver of any vehicle, other than a driver of a taxicab to park or leave standing such vehicle in any taxicab stand. The Traffic Engineer shall identify all such stands with a posted distinctive sign, identifying the space and shall have the curb adjacent to the stand painted white. The cost of taxi stand identification and maintenance shall be determined by Traffic Maintenance and established in the Master Fee Schedule, prorated over the total number of vehicle permits, and collected in the annual vehicle permit process. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.13)

5.64.120 Taxicab stands.

Upon written application, the Traffic Engineer shall designate throughout the city open places to permit any taxicab to stand while awaiting employment. Such application shall state the number of taxicabs for which the permit is sought and the proposed location of such stands. Such application must be accompanied by the written consent of the person primarily affected by reason of the fact that the taxicabs shall stand in front of the premises either owned or occupied by him or her or in which he or she is otherwise interested. Not more than three taxicabs shall be permitted to stand upon either side of a street within the limits of any one block unless otherwise designated by the traffic engineer. No permit shall be issued for any stand to be located within seventy-five (75) feet of another such stand on the same side of the street unless otherwise designated by the traffic engineer. No fleet manager shall

permit any vehicle operated by him or her and no driver shall cause any such vehicle to stand while awaiting employment in any place other than a stand designated by the Traffic Engineer. It is unlawful for the driver of any vehicle, other than a driver of a taxicab to park or leave standing such vehicle in any taxicab stand. The Traffic Engineer shall identify all such stands with a posted distinctive sign, identifying the space and the number of taxicabs allowable in said stand for taxicab use and shall paint the curb adjacent to the stand white. The cost of taxi stand identification and maintenance shall be determined by the Traffic Engineer and established in the Master Fee Schedule, prorated over the total number of vehicle permits, and collected in the annual vehicle permit process. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.13)

5.64.130 Taxicabs from other municipalities.

The driver of a taxicab authorized to operate in any municipality other than the city may transport passengers from such municipality to a destination within or beyond the city limits of the city of Oakland, provided that the driver of such taxicab shall not seek or accept passengers within the city of Oakland. (Ord. 12034 § 1 (part), 1998: prior code § 5-29.14)

5.64.135 Violations

A. If the ~~City Administrator~~ ~~Chief of Police~~ or his/her designee determines that a violation of this Chapter has occurred, he/she may issue an administrative citation, pursuant to Oakland Municipal Code Chapter 1.12. Such citation may be issued in addition to any other applicable legal, injunctive, or equitable remedies.

B. The recipient of an administrative citation may request an administrative hearing to adjudicate any penalties issued under this chapter by filing a written request with the City Administrator, or his or her designee. The City Administrator, or his or her designee, will promulgate standards and procedures for requesting and conducting an administrative hearing under this chapter. Any determination from the administrative hearing on penalties issued under this chapter will be final and conclusive.

5.64.140 Temporary freeze on fees charged by taxi companies for lease of cabs

Upon adoption of the ordinance, the fee charged by taxicab companies to drivers to lease a cab from the company, also known as "the gate", shall not exceed the level charged as of November 30, 2007. This freeze shall expire one year after the adoption of the ordinance. A violation of this section is grounds for revocation of the company's fleet management permit.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____