

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 16 PM 6:28

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Administrative Hearing Officer
DATE: October 28, 2008

RE: 1) Adopt an Ordinance Amending Oakland Municipal Code Chapter 5.64, "Taxicabs" to:

- a) Specify Requirements for 24/7 Coverage of All Areas of the City
- b) Require In-Cab Posting of Medallion Number
- c) Clarify Taxi Stand Installation, Cost Calculation and Fee Charge Process
- d) Remove Badge Requirement for Fleet Managers and Taxi Drivers

2) Adopt an Ordinance Amending Ordinance No. 12880 C.M.S. (Master Fee Schedule) As Amended, to Cover the Cost of Installing and Maintaining Taxi Stands by Prorating This Cost Across All Oakland Taxi Cabs

3) Update on Available Taxi Permits and Recommendation for Adding Ramped Vehicles for Transporting Passengers With Wheelchairs

4) Use of TaxiPass Program For Credit Card Handling

5) Recommendation to Move Administration of Taxi Permits to City Administrator's Office

6) Report on Mandated Biennial Public Hearing on Number of Taxi Permits Required for Public Convenience and Necessity

SUMMARY

At their July 22, 2008 meeting, the Public Safety Committee requested additional information regarding staff's proposal to issue additional permits for ramped vehicles, specifically whether companies would voluntarily include ramped vehicles in their fleets as replacement vehicles or would require an additional permit to consider adding a ramped vehicle. This report discusses the survey taken on this issue and developments that have created an alternative method of issuing permits for ramped vehicles.

Item: _____
Public Safety Committee
October 28, 2008

At the July 22, 2008 Public Safety Committee meeting staff withdrew proposed amendments involving the status of drivers as employees. This report outlines proposed specifications for complete taxi coverage of Oakland, the main intended purpose of the withdrawn employee requirements.

At their October 7, 2008 meeting the Council requested information on the TaxiPass system as an alternative to the proposals previously submitted by staff regarding payment of credit card fees.

The Taxi Detail Division of the Oakland Police Department (Taxi Detail) has requested Council consider an amendment that would require the taxi number to be posted on the interior, as well as the exterior, of the cab. Taxi drivers have requested, and the Taxi Detail does not object to, the removal of the requirement for drivers to wear "badges" when driving.

The Community Economic Development Agency's (CEDA) Transportation Services Office has also proposed some changes and clarifications regarding the process for requesting, installing, calculating cost, and fee charging for taxi stands.

FISCAL IMPACTS

The issuance of a taxi permit generates \$2,500 revenue to the City. Although the 11 permits proposed to be issued as ramped vehicle permits are existing permits, their re-issuance will generate \$27,500 in one-time revenues and \$4,202 in annual permit fees.¹

Staff is proposing a change to the Master Fee Schedule to cover the cost of taxi stand installation and maintenance. The fee of \$7.00 per vehicle, which would be added to the annual vehicle permit renewal fee, would generate \$2,205 in annual fees at the current level of 315 vehicle permits, if all permits are issued.²

KEY ISSUES AND IMPACTS

1a. Specifications for 24/7 Coverage of All Areas of the City

As detailed in the initial staff report, one of the major complaints of Oakland residents regarding taxi service is lack of availability in certain areas of the City and during nighttime hours. The major companies responded that, because cab drivers are independent contractors, the companies cannot control where and when they drive. Mandating that drivers be employees would be one way of ensuring company control. The drivers who have organized as the East Bay Drivers' Association have also requested that the City mandate employee status to ensure they would be afforded collective bargaining rights. Mandated employee status was initially included in the amendments originally proposed to the Public Safety Committee in May of 2008.

¹ If Council does not approve the addition of the taxi stand fee proposed in the amendments accompanying this report, the annual permitting fees generated by the 11 re-issued permits would be \$4,125.

² Currently, there are 11 un-issued permits. This report recommends issuing them for ramped vehicles.

Employer-employee relationships, however, are not an area over which the City has jurisdiction. In addition, the Ninth Circuit recently upheld a National Labor Relations Board decision that the drivers of the Friendly / Yellow / Metro taxi fleet are legally employees, thus confirming their right to unionize and bargain collectively. Additionally, the same NLRB panel that determined the Friendly / Yellow / Metro drivers to be employees decided that the Veterans drivers were not legally employees. The Public Safety Committee removed the employee mandate from the proposals.

The City's primary interest is in providing better taxi coverage to its citizens and visitors. One of the proposals of the amended ordinances is that, as part of their annual fleet management renewal process, fleets consisting of ten or more vehicles provide a plan to the City that delineates how the company will provide complete coverage to all areas of the City at all times of day. Under the assumption that the employer/employee relationship would provide companies the control to enforce the plan, the original proposal did not include any provision for monitoring or enforcing the plan. Since the employer/employee provisions have been removed, it is now necessary to specify those mechanisms. Staff therefore proposes that Council amend proposed section 5.64.040I to read as follows:

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. 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.

1b. In-cab Posting of Cab Number

OMC section 5.64.055D2 currently requires the posting of the vehicle permit number on the exterior of the cab. The Taxi Detail recommends that companies be required to also post the

vehicle permit number on the interior of the cab. This would facilitate communication to and follow-up by the City of customer complaints and complements regarding taxi service.

1c. Taxi Stands

CEDA's Office of Transportation Services (OTS) requested staff clarify and correct three aspects of the process outlined in OMC section 5.64.120, "Taxicab Stands", regarding the installation, costing and cost recovery of taxi stands.

- 1) Include approval by the Traffic Engineer of the written application for additional taxi stand(s). The current language of the ordinance implies that the Traffic Engineer has no discretion to approve or deny applications. While there seems to be general consensus among taxi drivers, taxi users and City staff that additional taxi stands are needed, it is important for the Traffic Engineer to evaluate all applications to determine whether taxi stands are appropriate and can be accommodated safely at the requested location.
- 2) Remove the requirement for the taxi stand sign to state the number of taxicabs allowable in the stand. Each individual parking space designated as a taxi stand will have its own taxi stand sign. The placement of a physical sign at each taxi stand eliminates the need for the sign to indicate the number of taxicabs allowable at that stand.
- 3) Determination of the cost to install and maintain taxi stands will be done by the Traffic Maintenance Department, not by Traffic Engineering. Traffic Engineering will be responsible for evaluating and approving the proposed taxi stand locations, but Traffic Maintenance, which is part of Public Works, will do the actual sign creation, installation, and maintenance functions.

1d. Removal of Driver Badge Requirement

Drivers have complained to staff that, in their driver permit picture, they are required to wear a baseball cap showing the taxi company name. Many of Oakland's taxi drivers are of the Muslim faith and wear turbans. It is against their religion to put something over the turban.

Staff inquired of the Taxi Detail why drivers were required to wear caps for their permit picture, as there is no mention of such a requirement in the OMC. Currently, under OMC section 5.64.070E, drivers are required to wear badges furnished by the fleet management company. According to Taxi Detail staff, a number of years back there were objections by fleet management companies to this requirement, apparently due to the cost. The companies and the Taxi Detail agreed that company logo baseball caps could be used as the "badges".

Drivers have grudgingly perched the baseball cap on top of their turbans for the permit picture because they feel they have no choice. They do not, however, wear the caps when they are operating their cabs, as is required by the ordinance. When questioned on the purpose and value of the badge requirement, Taxi Detail staff confirmed that it is for identification but that the driver's permit, which contains his picture, is, in fact, a superior identification method.

Because 1) the driver permit serves the purpose of confirming the identification of the taxi driver, 2) a number of drivers object to wearing the cap "badges" on religious tenets, and 3) the companies object to providing actual badges on a financial basis, staff recommends, and the Taxi Detail does not object to, removing the badge requirement.

If drivers are not required to wear badges, there is no need for fleet managers to provide them. Staff therefore proposes eliminating this requirement, OMC section 4.64.040D, and the re-numbering of the remainder of section 4.64.040D.

2. Amendment of Master Fee Schedule to Cover Costs of Taxi Stands

As documented in the May 27, 2008 report to the Public Safety Committee, the number of taxi stands has declined dramatically from approximately 40 in the 1970s to 10 currently. The cause of this decline appears to be that, during earlier eras, taxi stands were requested, paid for, and used by individual taxi companies. For example, if Friendly Cab paid for a taxi stand, only Friendly Cabs would be allowed to use that stand.

Currently taxi stands are available to drivers of all companies on a first come, first serve basis, but no company is responsible for either requesting them or paying for them. Therefore, as stands have been vandalized, fallen into disrepair, or disappeared for any number of reasons, there has been no mechanism for replacing them.

Taxi stands serve two important functions: 1) they make taxi service available to potential customers without the need for the customer to pre-arrange for the service and 2) they allow drivers to secure fares without driving around wasting gas and increasing toxic emissions. It is therefore in the interest of the City to increase the number of available stands.

The Traffic Maintenance Department estimates the cost of installing a new stand at \$300, including the cost of engineering. Traffic Maintenance estimates the cost of \$1,000 annually for maintaining 30 stands, a number staff believes would provide great improvements in accomplishing both of the above-stated purposes. Staff has calculated the cost of adding 20 stands (\$6,000) and maintaining 30 (\$5,000) over a five year period. Prorating the total of \$11,000 over the total number of 315 taxi permits would add \$7.00 per year to the annual permit renewal fee for each taxi, which is currently \$350.

3. Update on Available Permits and Recommendation for Adding Ramped Vehicles for Transporting Passengers With Wheelchairs

On October 19, 2006 the Administrative Hearing Officer revoked 10 Yellow Cab permits for violating OMC section 5.64.080E, lack of use for more than 10 consecutive days. Mr. and Mrs. Baljit Singh appealed the revocation to City Council, which upheld the Hearing Officer's decision. Yellow Cab filed a writ of mandate in Alameda Superior Court, requesting that the Court restore the permits to Yellow Cab. On August 22, 2008 the Oakland City Attorney argued, and the Court agreed, that the writ should be denied. These permits are therefore available for re-issuance. Additionally there is one other permit that has been previously revoked not re-issued.

Oakland's taxi companies and drivers have both asked that, during these difficult economic times, additional permits not be added to the system, as the additional permits will only add competition for the noticeably reduced number of taxicab customers. Staff therefore withdrew

an initial proposal to add 36 permits for regular taxicabs. However, Oakland does not have an adequate number of ramped taxicab vehicles to transport passengers who use wheelchairs. Staff therefore recommended adoption of the proposal to add 14 permits for ramped vehicles at the Public Safety Committee meeting of July 22, 2008.

At meetings conducted to obtain taxi community input, as well as at the Public Safety Committee, some taxi companies commented negatively regarding obtaining and operating ramped vehicles, due to the increased cost. The Public Safety Committee did not adopt the proposal to add 14 permits for ramped vehicles and requested staff to investigate the receptivity of the taxi company community to the alternatives of 1) replacing existing vehicles with ramped vehicles and 2) obtaining ramped vehicles under additional permits.

Staff mailed questionnaires to Oakland's 65 taxi companies and 23 responses were received. One company was not interested at all. All of the others were interested in adding ramped vehicles to their fleets under additional permits. Friendly, Yellow, Metro, Gion's, and Quick Cab all indicated they would also be willing to replace existing permits with ramped vehicles. However, the Friendly / Yellow / Metro group indicated that they would want extra incentives to companies and drivers for operating such cabs due to the "smaller fare amounts³ and extra time required."

Staff withdraws the proposal to add permits for ramped vehicles and recommends that eleven available permits be issued as ramped vehicle permits. This would not add to the long-established number of 315 Oakland taxi permits but would provide the opportunity for existing companies to build their businesses and new driver collectives and companies to enter the Oakland market, while greatly improving the availability of Oakland to serve its residents and visitors who have physical disabilities that require these services.

4. Credit Card Handling – TaxiPass

The Oakland Airport has been negotiating with a company, TaxiPass, whose business is the handling of credit card transactions for taxis. The Airport hopes to implement the TaxiPass system in the near future for passengers who wish to use credit cards when departing the Airport.

Previous staff reports have outlined the problem of drivers being charged excessive fees by the taxi companies for the processing of credit card fees and drivers not being paid if the credit card ends up being denied. Staff has spoken with TaxiPass representatives and believes that use of their system may provide the solution to the credit card problems currently experienced by Oakland taxi drivers by passing the credit card fee on to the customer and eliminating the need for the taxi companies to be involved in the process.

³ The fares for ramped vehicles would be the same as for regular cabs. However, the Friendly / Yellow / Metro group holds a City contract for transporting paratransit passengers, and the contract rates for these services are much higher than standard taxi rates. According to Aging, Health, and Human Services staff, there are 4000 ADA certified residents in Oakland. The contractual Paratransit Program services are available to only 999 residents with City-issued vouchers.

Under the TaxiPass system, when a taxi customer desires to use a credit card, the taxi driver phones the TaxiPass Service Center and requests authorization of the credit card. The card is authorized up to a specified amount, usually \$50.00. When the customer reaches their destination, the actual fare on the meter is written on a voucher which is given to the customer.

The driver submits a copy of the voucher at a pay station⁴, receiving the entire fare amount immediately. The voucher clearly states the amount that the customer will be charged for the use of the credit card. This service charge amount shows up as a separate charge on the customer's credit card statement.

The service charge amount would be established between TaxiPass and the companies that desire to use the service. TaxiPass estimates the average to be \$2.50 per \$50.00 authorized. This is much lower than the fees currently charged by the companies to the drivers⁵, and it removes both the administrative work of processing the credit card and the uncertainty of payment when credit cards are not pre-authorized.

5. Recommendation to Move Administration of Taxi Permits to City Administrator's Office

No OMC amendment or Council approval is required for the City Administrator to move administration of taxi permits from the Taxi Detail to the City Administrator. Staff notes it here, as it is envisioned that this would be a dedicated position that would not only administer driver and fleet permits but would also monitor the coverage plans submitted annually by the large taxi fleets. The position would also be responsible, when taxi permits are made available, for developing the criteria of Requests for Proposals, notifying the public of the opportunity, answering questions from potential applicants, and evaluating and selecting the proposals that best meet the criteria established.

OPD's Taxi Detail supports this move, as well as the proposal made in the previous staff report to move taxi inspections from OPD to Public Works, a move that can also be implemented by the City Administrator. The Taxi Detail is part of the Traffic Operations Section of OPD. The move of inspections and administrative functions would free officers for taxi enforcement functions and other policing responsibilities. Additionally, the administrative functions would be available at all times that City Hall is open. Currently, there is one Taxi Detail administrative person, with no trained backup. The combination of no backup plus the Taxi Detail's four day work week means that, currently, administrative functions are unavailable to drivers a great deal of the time. This lack of availability can have serious negative impacts on taxi permittees' livelihood when driver permits expire during these periods of time.

⁴ TaxiPass plans to have a pay station on Hegenberger near the Airport.

⁵ TaxiPass representatives noted that the rates local companies are charging drivers for the use of credit cards was higher than in any other city where they operate.

6. Report on Mandatory Biennial Meeting on the Number of Taxis Required for Public Convenience and Necessity

OMC section 5.64.110 mandates that, prior to November 1 of every even numbered year, the City must conduct a public hearing on “the number of taxicab permits for which public convenience and necessity exists” and “shall report the findings of the public hearing to the City Council.” The 2008 hearing was conducted on Monday, October 13, 2008 in Hearing Room 1 of City Hall. Notice of the hearing was posted in the Oakland Tribune and on the City Hall bulletin board. Staff additionally mailed notification to all Oakland taxi fleet managers, notified the Bicycle and Pedestrian Advisory Commission, and emailed notification to the Neighborhood Service Coordinators and the City’s Senior Services Supervisor.

Past reports from these hearings have opined that the addition of permits would be based upon additional need evidenced by the expansion of the Oakland Airport. The meetings conducted over the past year to discuss amendments to Oakland’s taxi ordinance, as well as the emails received and testimony given at the biennial meeting, indicate that the most unmet need is on the streets of Oakland and that lack of taxis continues to be a significant problem for Oakland residents.

At the 2006 biennial hearing the only attendees were taxi drivers and taxi company representatives. No drivers or taxi company representatives attended the 2008 meeting. Perhaps these groups feel that they have made their voices heard during the previous amendment process. Their concerns regarding the inability to make a living during the current economic downturn resulted in staff’s withdrawal of the proposal to issue fifty new permits.

The 2008 biennial hearing was attended by two Oakland Airport operations managers, Jeff Weiss, the City’s Senior Services Supervisor, and three Oakland residents. One of the residents, Jonathan Bair is also a member of the Bicycle and Pedestrian Advisory Commission. His experience, having worked in bars and restaurants for four years, has been that during the evening hours when Oakland’s bars, restaurants and entertainment businesses are operating at their peak, it generally takes a half hour or more to get a taxi. He testified that at 2:00 a.m., when alcohol outlets close, taxis are impossible to get. Mr. Bair believes that more permits are needed in the City, as the number of permits has not increased for at least 26 years⁶, and the 200 that do not have airport permits are not adequate to serve Oakland’s population which has grown considerably since 1982.⁷ He believes Oakland could support 100 new taxi permits, and he would like to see a minimum of 50. The additional permits would also create competition for Oakland’s “duopoly”⁸, a factor that Mr. Bair believes contributes significantly to the lack of sufficient taxi service. Mr. Bair also would like to see many more taxi stands in such areas as Uptown, Forest City, the Grand Lake area and at all BART stations.

⁶ The Taxi Detail Records Specialist has been at her post for 26 years and states that the number of permits was 315 when she started.

⁷ Oakland’s 1980 population was 339,337. According to the California Department of Finance, Oakland’s population on January 1, 2008 was 420,183.

⁸ Veterans Cab and the Friendly/Yellow/Metro cab group currently control 217 of the City’s total 315 permits.

Resident Max Allstadt echoed Mr. Bair's statements concerning the need for cabs at night. He believes that many residents drive home drunk because of the tremendous difficulty of getting taxis in downtown Oakland at night.

Rebecca Salzman testified that the difficulty in getting cabs has resulted in her not participating in nighttime activities in Oakland or changing her schedule to ensure she leaves early enough to get a taxi.

All three of the residents said that they currently use taxis once or twice a week and would use them much more frequently if availability was improved.

Additionally, staff received eight emails from residents who could not attend the hearing. The owner of B Restaurant and Bar in Old Oakland said that, at least half the time, the wait for a taxi is at least 30 minutes after placing the call. They closed by saying, "We as business owners constantly fight the disdain of folks visiting this area and having increased cab service would benefit us tremendously."

Another resident requested more cab service at the Amtrak station, especially at night – the Coast Starlight arrives after 11:00 p.m. This resident had been told by taxi company dispatchers that cab drivers are reluctant to go to that area at night. Others told of relying totally on public transit and being unable to get a taxi home from a BART station, even on a weekday afternoon..

Another resident relayed his experience of, on two separate occasions with two separate companies, reserving a cab two days in advance for service to the airport - neither cab showed up, and he has not called for a cab since.

A resident stated that he has seldom relied on taxis during his 20 years in Oakland, and questioned how we could improve taxi service to make it more convenient to use. One resident opined that lack of availability is part of the reason Oakland is not a "high-use of taxis city, such as SF".

Although it was not part of the biennial hearing, on October 14, 2008, staff received an email forwarded by the Oaklanders Assistance Office that a severely disabled man was unable to get a taxi at the Citibank on Fruitvale. The dispatcher kept saying that the taxi was there or was two minutes away. Bank staff told the emailer that Yellow Cab does not like coming to that area. Staff has received the same report from Baggy's Bar.

Staff agrees that, not including the Airport, taxi service in Oakland is inadequate. However, it is difficult to know just how many taxis would be sufficient. The six month audit of Yellow Cab's waybill records indicated that the permits for the entire fleet could be revoked for non-usage.

Requiring the major companies to submit and implement 24/7 coverage plans for all areas of the City and then monitoring those plans for compliance, as discussed above, is the first step toward getting a handle on what is really needed in Oakland. Additionally, revocation of permits that are not sufficiently utilized should be aggressively pursued. The revoked permits could then be issued on the basis of requests for proposals, with full usage and coverage criteria being a primary factor in the selection of the permittees.

Staff agrees with Mr. Bair that the population increase of Oakland merits additional taxis and that additional competition could dramatically improve taxi service in Oakland. Staff's previous proposal to add 50 new permits was withdrawn due to the concerns expressed by numerous drivers that dilution of the market would make it impossible for them to make a living. Although staff still believes additional permits are needed, considering the current state of the economy, staff recommends determining this number after evaluating the results of the 24/7 plan requirement, the addition of taxi stands, and the potential revocation and re-issuance of under-utilized existing permits.

SUSTAINABLE OPPORTUNITIES

Economic: All of the major proposals - full City taxicab coverage, the addition of taxi stands and ramped vehicles, and the simplification of credit card processing - should increase the use of taxicabs in Oakland, which, in turn increases Oakland's revenue tax base, both for taxi permittees and for the businesses to which taxi customers have greater access.

Environmental: No additional environmental effects are contemplated by the use of ramped vehicles instead of regular vehicles or by the proposed method of handling credit card fees. 24/7 coverage of all areas of the City by Oakland's current taxi fleet could increase the negative environmental effects of automobile exhaust. Increasing taxi stands so that vehicles may wait for fares without running their engines should reduce this negative effects.

Social Equity: The goal of establishing specific criteria and monitoring mechanisms for 24/7 taxi coverage is to ensure availability of transportation services to all Oakland residents, especially those in low-income neighborhoods who have less access to private transportation. The addition of taxi stands throughout the City also is aimed at increasing such service and additionally improving Oakland's air quality by reducing the amount of driving done by taxis in search of fares.

DISABILITY AND SENIOR CITIZEN ACCESS

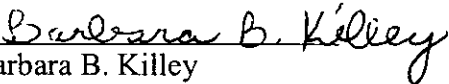
The addition of ramped vehicles is needed to ensure service to Oakland residents and visitors with disabilities but who do not qualify for or receive Paratransit vouchers.

ACTION REQUESTED OF THE CITY COUNCIL

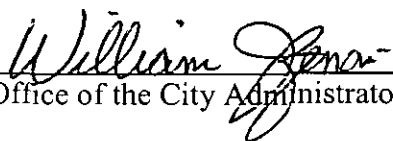
Staff requests that the City Council:

- 1) Accept this report
- 2) Adopt the proposed Ordinance amendments

Respectfully submitted,


Barbara B. Killey
Assistant to the City Administrator

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Margaret Fujita
City Attorney

2008 JUN 5:28
OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE NO. 12880 C.M.S. (MASTER FEE SCHEDULE) AS AMENDED, TO COVER THE COST OF INSTALLING AND MAINTAINING TAXI STANDS BY PRORATING THIS COST ACROSS ALL OAKLAND TAXI CABS

WHEREAS, Oakland's taxi stands were previously requested by individual taxi companies for the use of their drivers only; and

WHEREAS, Oakland taxi stands are now available to all permitted Oakland taxis; and

WHEREAS, there is no mechanism in the Master Fee Schedule for adding and funding taxi stands, other than by individual application and individual payment; and

WHEREAS, this has caused the number of taxi stands to shrink over the years; and

WHEREAS, there are currently too few taxi stands available in the City; and

WHEREAS, taxi stands provide a cost-efficient way for taxi drivers to locate passengers who desire taxi services; and

WHEREAS, the benefit of additional taxi stands is available to all permitted Oakland taxi drivers; and

WHEREAS, the cost of adding 20 taxi stands and maintaining a total 30 taxi stands for a period of five years is minimal if allocated across all permitted Oakland taxis (315);

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

SECTION 1. The Master Fee Schedule as set forth in Ordinance Number 12880 C.M.S., as amended, is hereby amended to establish an annual permit fee for bingo hall operator permits and a monthly fee for law enforcement and public safety for bingo game operators as set forth in Exhibit A, attached hereto and made a part hereof. 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 2. All revenues generated through the adoption of these fees will be deposited in the General Fund (1010), Traffic Maintenance Organization (30523), Encroachment Permit Account (42314). The expenditures for taxi stand installation and maintenance will be appropriated to the General Fund (1010), Traffic Maintenance Organization (30523), Miscellaneous Supplies Account (52519).

SECTION 3. This ordinance shall be effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, 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: _____

EXHIBIT A

**City of Oakland
Amendment to the Master Fee Schedule**

POLICE SERVICES

<u>FEE DESCRIPTION</u>	<u>Fee</u>	<u>Unit</u>
AC. TAXICAB PERMIT FEES		
2. Operating Permit, and Spare Vehicle Permit		
a. Initial Permit and One (1) Inspection	350.00	Permit
(1). Taxi Stand Installation And Maintenance Fee	7.00	Permit
b. Annual Renewal of Operating Permit or Spare Vehicle	350.00	Permit
Operating Permit and One Inspection		
(1) Taxi Stand Installation and Maintenance Fee	7.00	Permit

PUBLIC WORKS

<u>FEE DESCRIPTION</u>	<u>Fee</u>	<u>Unit</u>
TRANSPORTATION SERVICES		
K. PUBLIC MOTOR VEHICLE STAND AS ALLOWED BY OAKLAND		
TRAFFIC CODE SECTION 231		
1. Installation of Sign Post	60.00	Sign
2. Installation of Identification Sign	60.00	Sign
3. Painting of Street Curb Adjacent to Public Motor Vehicle Stand	66.00	Painting

Notice & Digest

AN ORDINANCE AMENDING ORDINANCE NO. 12880 C.M.S. (MASTER FEE SCHEDULE) AS AMENDED, TO COVER THE COST OF INSTALLING AND MAINTAINING TAXI STANDS BY PRORATING THIS COST ACROSS ALL OAKLAND TAXI CABS

This ordinance amends Oakland's Master Fee Schedule by establishing a fee to cover the cost of installing and maintaining 30 taxi stands and include that fee, prorated across the total number of taxi permits, as part of their annual vehicle permit renewal fee. The existing section of the Master Fee Schedule specifying the installation fees for one taxi stand is no longer applicable.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT 16

PM 6:25

APPROVED AS TO FORM AND LEGALITY

Margaret Arjib
City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

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

- A) SPECIFY REQUIREMENTS FOR 24/7 COVERAGE OF ALL AREAS OF THE CITY
- B) REQUIRE IN-CAB POSTING OF MEDALLION NUMBER
- C) CLARIFY TAXI STAND INSTALLATION, COST CALCULATION AND FEE CHARGE PROCESS
- D) REMOVE BADGE REQUIREMENT FOR FLEET MANAGERS AND TAXI DRIVERS

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

WHEREAS, in response to the City's stated need for increased taxi availability to all parts of the City at all times and for accurate waybills to show taxi usage, the major taxi companies respond that they cannot meet the City's need because they cannot control the drivers operating under their fleet management permits; and

WHEREAS, the City's unmet need for increased taxi coverage and accurate reporting of taxi usage justifies the use of its police power to establish and implement a system for complete coverage of the City at all times; and

WHEREAS, in-cab vehicle number signage would facilitate timely reporting of violations to the City; and

WHEREAS, the process for requesting, installing, and maintaining taxi stands should include an approval and should reflect the correct City Departments involved in the decision making and installation/maintenance processes; and

WHEREAS, the identification of drivers is better accomplished by the posting of their permit than by the requirement to wear a badge; now, therefore

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:

5.64.040 Fleet management permit

~~D. Fleet management permittees shall make available badges for use by all permitted drivers which drivers shall wear at all times. The badge shall be of a type approved by the Chief of Police.~~

ED. 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.

FE. 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.

GF. 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.

HG. 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.

~~I. Fleets consisting of ten (10) or more vehicles shall, as part of their annual permit renewal process, submit a plan for providing taxi coverage to all parts of the City twenty-four (24) hours per day, seven (7) days per week.~~

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. 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.

5.64.055 Operating permit.

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

5.64.070 Driver permits.

E. All persons driving taxicabs are required to post their driver permit within the taxicab as directed by the Chief of Police and in full view of passengers. ~~All persons driving taxicabs shall wear their driver's badge provided by the fleet management permittee as set forth in Section 5.64.040D.~~

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 the number of taxicabs allowable in said stand for taxicab use~~ and shall ~~have~~ paint the curb adjacent to the stand painted white. The cost of taxi stand identification and maintenance shall be determined by ~~the Traffic Engineer~~ 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)

SECTION 5. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

SECTION 6. If any article, section, subsection sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions, which shall remain in full force and effect.

COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, 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: _____

Notice & Digest

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

A) SPECIFY REQUIREMENTS FOR 24/7 COVERAGE OF ALL AREAS OF THE CITY

B) REQUIRE IN-CAB POSTING OF MEDALLION NUMBER

C) CLARIFY TAXI STAND INSTALLATION, COST CALCULATION AND FEE CHARGE PROCESS

D) REMOVE BADGE REQUIREMENT FOR FLEET MANAGERS AND TAXI DRIVERS

This ordinance amends Oakland Municipal Code Chapter 5.64 "TAXICABS" to

a) Specify Requirements for 24/7 Coverage of All Areas of the City, b) Require In-cab Posting of Medallion Number, c) Clarify Taxi Stand Installation, Cost Calculation and Fee Charge Process, and d) Remove Badge Requirement for Fleet Managers and Taxi Drivers