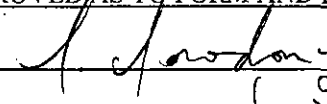


REVISED

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

2008 JUN 26 PM 4: 29



City Attorney
for D. B. Zolotky

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 To:

- A) **Increase Basic Fare Components, Add New Fare Components, And Authorize Collection From Passengers Of All Mandatory Fees Paid By Drivers**
- B) **Authorize City Administrator To Establish A Gasoline Surcharge Should Gasoline Prices Warrant**

WHEREAS, the City controls the fares and charges that taxi drivers can collect; and

WHEREAS, the cost of living, and in particular, the cost of gasoline has increased greatly since the last fare change in 2001; and

WHEREAS, drivers are required to pay, but the current ordinance does not permit drivers to collect, government-mandated fees such as airport charges and bridge tolls; 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 ability of Oakland's taxi drivers to make a living and therefore in turn increase the availability of taxis to residents and visitors.

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 5.12 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:

Oakland Municipal Code Chapter 5.64 is amended as follows:

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 ~~January 1, 1992~~ July 1, 2008:

| | | | |
|--------------------------------------|---|--|----------------|
| Flag drop (excluding mileage) | \$2.00 | <u>\$3.00</u> | |
| Mileage | 0.24 | <u>0.26</u> | each 1/10 mile |
| Waiting time | 24.00 | <u>26.00</u> | per hour |
| Minimum fare | <u>Greater of \$5.00 or taximeter calculated fare</u> | | |
| Oakland Airport fee | <u>Fee set by Oakland Airport</u> | | |
| Night surcharge | <u>1.00</u> | <u>Trips commencing after 10 p.m. until 6 a.m.</u> | |
| Small animal (except service animal) | <u>1.00</u> | | |
| Additional stops requested | <u>1.00</u> | | |
| Obtaining change | <u>.50</u> | | |
| Luggage that forces trunk open | <u>1.00</u> | | |
| % of fare over 15 mi. out of City | <u>150</u> | | |

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.

BD. The ~~City Manager~~ 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 Chief of Police and must result in the reasonable reduction of taxicab fares from those heretofore established to be charged to senior citizens.

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

DG. 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)

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

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 (OMC) Chapter 5.64, "Taxicabs", to a) Increase Basic Fare Components, Add New Fare Components, and Authorize Collection from Passengers of All Mandatory Fees Paid by Drivers and b) Authorize The City Administrator to Establish a Gasoline Surcharge Should Gasoline Prices Warrant

This is an ordinance amending Oakland Municipal Code Chapter 5.64 to increase the basic taxi fare components, add new fare components, and authorize the collection from passengers of all mandatory fees paid by drivers. A separate amendment provision authorizes the City Administrator to establish a one dollar (\$1.00) gasoline surcharge per taxi trip, should gasoline prices warrant.

OFFICE OF THE CITY CLERK
OAKLAND
FILED
2008 JUN 26 PM 4:29

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 To:

- A) Increase Basic Fare Components, Add New Fare Components, And Authorize Collection From Passengers Of All Mandatory Fees Paid By Drivers**
- B) Authorize City Administrator To Establish A Gasoline Surcharge Should Gasoline Prices Warrant**

WHEREAS, the City controls the fares and charges that taxi drivers can collect; and

WHEREAS, the cost of living, and in particular, the cost of gasoline has increased greatly since the last fare change in 2001; and

WHEREAS, drivers are required to pay, but the current ordinance does not permit drivers to collect, government-mandated fees such as airport charges and bridge tolls; 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 ability of Oakland's taxi drivers to make a living and therefore in turn increase the availability of taxis to residents and visitors.

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 5.12 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. Sub-section C, shown below in ~~strike-through type~~ was removed by the Council at the first reading, June 17, 2008:

Oakland Municipal Code Chapter 5.64 is amended as follows:

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 ~~January 1, 1992~~ July 1, 2008:

| | | | |
|--------------------------------------|-------------------|---------------|--|
| Flag drop (excluding mileage) | \$2.00 | <u>\$3.00</u> | |
| Mileage | 0.24 | <u>0.26</u> | each 1/10 mile |
| Waiting time | 24.00 | <u>26.00</u> | per hour |
| Minimum fare | | | Greater of \$5.00 or taximeter calculated fare |
| Oakland Airport fee | | | Fee set by Oakland Airport |
| Night surcharge | | <u>1.00</u> | Trips commencing after 10 p.m. until 6 a.m. |
| Small animal (except service animal) | <u>1.00</u> | | |
| Additional stops requested | | <u>1.00</u> | |
| Obtaining change | | <u>.50</u> | |
| Luggage that forces trunk open | | <u>1.00</u> | |
| % of fare over 15 mi. out of City | | <u>150</u> | |

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. Passengers shall not be charged a fee for the use of credit cards, nor shall [Option 1] drivers be charged by taxi companies for passengers' use of credit cards. [Option 2] drivers be charged more than the fee charged by the credit card company for passengers' use of credit cards. [Option 3] drivers be charged more than five (5) percent for passengers' use of credit cards.~~

D. 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.

BE. The ~~City Manager~~ 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 Chief of Police and must result in the reasonable reduction of taxicab fares from those heretofore established to be charged to senior citizens.

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

DG. 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)

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

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: _____