



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 APR 25 PM 6:55

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Arturo M. Sanchez

SUBJECT: Taxi Ordinance Modifications

DATE: April 15, 2013

City Administrator
Approval

Deanna J. Santana

Date

4/25/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends adopting an Ordinance Amending Oakland Municipal Code (OMC) Chapter 5.64, "Taxicabs", to Establish Criteria, as Required by State Law, to Investigate Unpermitted Taxicab Operations; Correct Conflicting Provisions Regarding Use of Credit Cards; Removal of Dispatch Service Requirement for Companies with Fewer than Five Taxis; Add Option of Electronic Waybills for Documenting Taxi Usage; Establish a Fleet of Ramped Taxis for Transporting Passengers With Disabilities and a Ratio of Such Taxis to Oakland's Regular Taxis; Establish Vehicle Age And Alternative Fuel Requirements; Authorize the City Administrator to Promulgate Standards of Comportment for Drivers and to Provide for Permit Suspension, Revocation, and Non-renewal on the Basis of Violations; Add references to OMC Chapters 1.08 and 1.16 regarding administrative abatement of violations and penalties; and Eliminate Expired Sections of OMC Chapter 5.64.

EXECUTIVE SUMMARY

This report and the accompanying proposed amendments to Oakland's Municipal Code are submitted to serve the following primary functions:

- 1) Amend OMC Chapter 5.64, Oakland's ordinance regulating taxis, to reflect changing conditions and requirements of both the taxi industry and the City (including by establishing provisions for enforcement against unpermitted taxis, clarifying provisions regarding use of credit cards, adding an electronic waybill option, and authorizing the City Administrator to promulgate standards of comportment for drivers), to add references to Chapters 1.08 and 1.16 regarding administrative abatement of violations and penalties, and to eliminate expired sections of Chapter 5.64.
- 2) Submit the report on the Biennial Hearing required by OMC section 5.64.110 on the number of taxis required for public convenience and necessity.

Item: _____
City Council
May 7, 2013

OUTCOME

If adopted the modifications will enhance and improve staff's ability to respond to complaints regarding unpermitted taxicabs; clarify several provisions of the chapter; improve regulations; and improve oversight of drivers and companies.

BACKGROUND/LEGISLATIVE HISTORY

Oakland taxi drivers report that gypsy cabs have been illegally transporting Oakland passengers for many years. The Oakland Police Department (OPD) Taxi Detail has conducted stings and issued citations to gypsy cabs, but the number of sting operations has been negatively impacted by reductions in the police force and the higher prioritization of other crimes. The result, according to reports from many Oakland taxi drivers, is that gypsy cabs operate with impunity and little fear of penalty in Oakland. While the City Administrator's office will continue to work with OPD to conduct operations to enforce and cite against illegal taxicab operators in the City the office recognizes that we need to diversify our enforcement strategy.

In 2008, the state legislature adopted legislation authorizing cities to investigate unpermitted taxi operations, conduct civil and criminal proceedings, and impose fines and terminate the telephone service of taxi operations determined to be operating illegally. These unpermitted taxis are often known as "gypsy cabs" (Gov. Code §§ 53075.5 through 53075.9).

The goal of the legislation was to ensure that taxi customers are serviced by operators that meet the permitting regulations established by municipalities; e.g., carry adequate insurance, drive vehicles that pass inspections, and are driven by drivers that pass drug tests, as well as driving tests. The legislation additionally protects municipalities, taxi companies and drivers permitted by them, by imposing financial penalties and removing the telephone service of unpermitted operators.

To utilize the authority conferred by Government Code section 53075.7, jurisdictions must "adopt criteria that establish the type of information . . . that is sufficient to warrant an investigation." The proposed amendment establishes these criteria. Staff believes that a combination of both enforcement tools, operational stings and monetary penalties, will help eliminate unpermitted taxicabs.

Also in 2008 staff presented Council with:

- 1) Three options for payment of taxi fares by credit card. Council did not act upon the options, but all three were inadvertently included in the adopted amendments. The current proposal would correct these conflicting options;
- 2) In response to rapidly escalating lease rates, commonly referred to as the "gate" fee, for taxis, a one-year freeze was imposed. Staff proposes removal of this freeze, as it has expired; and

Item: _____
City Council
May 7, 2013

- 3) With a goal of focusing police resources on enforcement and protection needs, the City moved the administrative functions associated with taxi regulations out of the Police Department. The City Administrator's Office assumed the permitting function, and Public Works Department assumed the vehicle inspection function. OPD retained the spot inspection and enforcement functions. The fees associated with these functions were not changed at the time of transfer.

Since that time, the City Administrator's Office, the Public Works Department, and the Police Department have re-analyzed the actual cost of administering a permitted taxi program. Fee changes were needed to reflect actual costs, which have long been subsidized by the City. This report explains the basis for the changes to the Master Fee Schedule.

In 2008 when OMC Chapter 5.64 was last amended the amendments included a requirement that all future permits issued be done so by a Request For Proposal process. Previous permit issuances had been conducted by lottery, requiring a minimum of City resources.

The current modifications also propose amendments to the radio dispatch requirement because when the requirement was adopted, the ubiquitous use of cell phones did not exist. Staff proposes the elimination of the radio dispatch requirement for small fleets. Similarly, the current requirement for the maintenance of manual waybills preceded the invention of computerized tracking systems that are now available to taxi companies. Staff proposes allowing the alternative provision of waybill data by electronic systems. This will allow for easier audits, can incorporate GPS tracking information, and does not need to rely on drivers compiling information or submitting information in order to determine if vehicle was in fact used.

In addition the proposed modifications set aside a specific set of medallions to be used for Americans with Disabilities Access (ADA) accessible vehicles. Unlike San Francisco, Oakland currently has no taxi permits that are issued specifically for ramped taxis, capable of transporting passengers in wheelchairs. Disability consultants Nelson Nygaard & Assocs. recommend a ratio of one ramped taxi per every 20 regular taxis. San Francisco's ratio is approximately one ramped taxi for every 13 regular taxis. Staff proposes an amendment that would establish a ratio of one to 20 and issue only ramped-vehicle permits until that ratio is reached.

Staff also proposes establishing a limit to the age of the vehicles and moving towards a requirement that all fleets are comprised of 50% alternative fuel vehicles. This requirement would insure that the vehicles operating throughout the City are modern and contain safety and operational improvements that newer vehicles are manufactured with. A Vehicle age limitation would also bring the City ordinance in line with the Port of Oakland land use regulations and thereby create a uniform policy that will help improve customer experience and safety. The implementation of an Alternative Fuel vehicle requirement would also bring the City into alignment with the Port of Oakland and would continue the City's policy history of

Item: _____
City Council
May 7, 2013

implementing and strengthening the City's green initiatives designed to improve the environmental quality and experience of Oakland residents.

Finally, there are no explicit standards regarding driver behavior and no remedy for negative driver behavior that does not result in criminal conviction. Staff proposes the authorization of such standards by the City Administrator, with the potential for permit suspension, revocation, or non-renewal on the basis of repeated violation of the standards.

Over the years the City has developed standardized processes for multiple departments to deal with Municipal Code violations in a consistent manner. These processes have been codified as OMC Title One, Chapters 1.08 (Civil Penalties), 1.12 (Administrative Citations), and 1.16, (Alternative Administrative Procedure for Abatement of Certain Violations). Currently, Section 5.64.135 (Violations) only refers to Chapter 1.12 with respect to Title 1 enforcement provisions.

Staff proposes that to amend Section 5.64.135 to specify that the City Administrator may also utilize Chapters 1.08 and/or 1.16 when enforcing Chapter 5.64.

ANALYSIS

Establish Required Criteria to Investigate Unpermitted Taxicab Operations – "Gypsy" cabs

In recognition of the fact that in spite of our continued commitment to enforcement operations conducted by OPD, the diminished resources of OPD combined with persistent unpermitted activity, require additional methodologies to address "gypsy" cabs. Staff believes that between the OPD stings and the inclusion of authorities available to the City through Government Code section 53075.7 we can adequately address the concerns of permitted taxicab operators in the City.

Pursuant to California Government Code section 53075.7, state law authorizing cities to investigate and prosecute unpermitted taxi operations is a powerful tool. It is important that this power not be abused and that the due process rights of alleged violators are protected. The requirement to establish criteria for the type of information that would warrant an investigation and the requirement to conduct a hearing to determine whether a violation has actually occurred are two of the protections included in the state law. State law also prescribes the timeframes for conducting hearings, the maximum penalties, and the method of imposing penalties, and an appeals process

In addition to including the State's provisions in the proposed amendments, staff proposes the following criteria to be met prior to investigating a complaint:

- 1) The complaint must be submitted to the City Administrator's Office in writing.
- 2) The complaint must be signed and dated by the complainant
- 3) The complaint must specify the following information:

Item: _____
City Council
May 7, 2013

- a) The name of the taxi company that is operating without a permit or, if no company name is visible on the vehicle, the license plate number on the vehicle,
- b) The date, time, and place where the violation occurred.
- c) The unpermitted activity; i.e. advertising for Oakland customers, picking up customers in Oakland, etc.

The City Administrator's Office will develop a form to facilitate submission of complaints with the required information. The City Administrator's Office will assess whether the complaint contains the required information and whether the activity complained of is, in fact, unpermitted activity under the Oakland's ordinance. If so, the City Administrator's Office, the Police Department, or both may investigate the complaint and conduct civil or criminal proceedings, as appropriate.

While the additional enforcement tool provided by the government Code will help, it will not by itself be sufficient or replace the significant impact that operational stings conducted by the Police Department can have. This tool must be utilized to support and strengthen the special operations of the OPD. Together they will afford the City two strong avenues with which to pursue enforcement.

Application for New Taxi Permits

Previous permit issuances have been by lottery. While the lottery system of awarding taxi permits may have been the least expensive program to administer, the results were less than beneficial to the City. Many lottery winners never intended to operate a taxi. Understanding their financial windfall, these lottery winners have leased their permits out to companies or drivers, thereby earning thousands of dollars of income each year, with no requirement other than the annual submission of a declaration stating who is authorized to operate their permit.

In cases where the lottery winner was a taxi driver, the benefit was minimized by the fact that the permits were awarded to individuals, with no concern for that individual's financial ability to market his or her services. Of the 70 companies that are currently permitted to operate taxis in Oakland, 60 operate only one taxi. With little or no marketing, these companies have the least visibility to Oakland residents. Their owners complain that insufficient taxi stands and restrictions on the number of days each taxi can operate at the Oakland Airport also negatively impact their ability to make a living.

Staff continues to believe that issuance of medallions via an RFP type process will insure that an appropriate company is selected to operate future medallions.

Correct Conflicting Provisions Regarding Use of Credit Cards

In 2008, staff proposed several amendments to OMC Chapter 5.64, including three alternative methods of handling credit cards. Council did not act on these proposals, but all three options were inadvertently left in the published version of the adopted amendments. Staff proposes the adoption of an amendment that precludes drivers and companies from charging customers for the use of credit cards and companies from charging drivers more than the fee charged by the credit card company.

Remove Dispatch Requirement for Companies with Fewer than Five Taxis

A current requirement of the Fleet Manager's Permit is a "complete description of the fleet's proposed operations, including a radio-dispatching service provided either by the applicant or another party under contract". A radio-dispatching service is costly to purchase, house, and staff Oakland's smaller taxi companies therefore contract with a dispatching service, usually hosted by another taxi company. These smaller companies complain that they receive no referrals from the dispatch service, which channels all the customer calls to its own fleet, while the small company continues to pay for the service because it is required by Oakland's ordinance.

Cell phones became popular after the adoption of the radio-dispatching requirement and are the primary mechanism utilized by the small companies to communicate with customers. Radio-dispatching services are still useful for larger fleets, as they provide flexibility in assigning taxis based upon multiple factors, such as current status, location, and existing scheduled pick-ups. For smaller companies, however, complex logistics are not necessary and cell phones provide customers the ability to contact the company and schedule a pick-up. Staff therefore recommends that radio-dispatch systems be required only for companies with more than five taxis.

Option of Electronic Waybills for Documenting Taxi Usage

OMC Chapter 5.64 currently requires drivers to complete waybills for every fare that they carry (section 5.64.070F) and for fleet managers to maintain the drivers' waybill records (section 5.64.040C) for at least one year. These manual waybills contain the driver's name, the date, the vehicle permit number, the time each trip begins and ends the origin and destination of each trip, and the amount of the fare.

OMC chapter 5.64 also requires that all vehicle permits (medallions) are used at least 15 days in a 30 day time period. The waybill is the mechanism by which taxicab companies are required to track operation of a vehicle and compliance with mandatory operating requirements. The City may pursue revocation of a vehicle permit, unless good cause is shown for the non-usage, if waybills establishing usage cannot be provided so that the permit may be re-issued. The goal of re-issuance would be to provide more service to Oakland's taxi customers.

Item: _____
City Council
May 7, 2013

Waybills have been the only method by which the City can check vehicle permit (medallion) usage. Waybill audits are labor intensive and burdensome on both the companies and staff. There are over 303 cabs operating in the City for 365 days a year. As a result extensive waybill audits are not an annual occurrence. Staff has historically made it a practice to conduct random samplings of waybills whenever time permits.

In 2008, the City Administrator's Office conducted a waybill audit of all taxi companies. If the waybill evidence in 2008 was accurate, a stunning 55 percent of Oakland's permitted taxicabs were utilized less than 50 percent of the time. The large companies with deficient waybills claimed that many drivers refuse to submit waybills, knowing that permits may be revoked on that basis and hoping to benefit from the potential re-issuance. The smaller companies with deficient waybills claim that, because the City had not audited previously, they had not taken the waybill requirement seriously.

This larger audit and its dismal results drew attention to the need for better tracking of Oakland's taxi usage. Since the adoption of the manual waybill requirement, technology has created automated systems and software capable of generating information about taxi usage and doing so more consistently and accurately than manual systems. Not all taxi companies utilize the automated systems, but, for those that do, staff recommends the option of providing electronic waybill data, when requested by the City. The proposed amendment requires that the City Administrator approve the electronically generated reports to ensure that the information needed by the City is provided in a usable format.

Establish a Fleet of Ramped Taxis

Per information received by staff from East Bay Paratransit there are approximately 5,266 active registrants from Oakland who access their service. This figure would represent the baseline number from which the City must consider need. In other words it represents a floor and may only begin to show the need for ADA accessible vehicles. The Paratransit Program provides transportation vouchers to only 1,246 of these residents. Although the number that are wheelchair bound is not known, what is known is that, as the population ages, the number will only increase. Absent a ramped vehicle mandate, the difficulty experienced by wheelchair-bound residents who attempt to utilize taxis will also increase.

Staff therefore proposes amending the taxi ordinance to require ramped taxis at a minimum of one ramped taxi for every 20 regular taxis, a ratio similar to San Francisco's 1 to 13. The ratio is lower because we have significantly fewer authorized vehicle permits. However, with the amount of registrants who use East Bay Paratransit staff believes this ratio to be the most appropriate. Issuance of the twelve permits currently held by the City Administrator's Office as ramped vehicle permits would generate a ratio of one ramped vehicle to approximately 20 regular vehicles. If additional permits are revoked or new permits authorized by Council, only

ramped vehicle permits would be issued until the ratio reached one to 20. At the current level of 314 permits, that ratio would occur when there are 15 ramped vehicles.

Vehicle Age and Alternative Fuel Requirements

The age of a vehicle can impact safety, comfort, and efficiency of the vehicle. Currently the City of Oakland does not restrict the age of a vehicle operating as a taxicab. Older model vehicles do not contain the passenger and driver safety amenities that have become standard in newer model vehicles. Items such as passenger safety bags, side and rear impact protections are items which are not commonly found in the aging vehicle stock being driven in Oakland. The average age of a permitted vehicle in the City is 9 years old; in other words, something that was manufactured prior to 2005. The oldest vehicle currently operating in the City was manufactured in 1998. Older vehicles also tend to have less efficient mileage per gallon and a greater impact on the environmental condition of the City. Establishing a maximum vehicle age will help improve the efficiency, safety measures and overall comfort for passengers in Oakland. Setting an age limit on vehicles similar to that established by the Port of Oakland, which set its age of vehicle at 7 years old, will allow for both the City and Port to have the similar standards, thereby assuring that the residents of the City and arrivals at the airport are served by efficient, appealing, comfortable and safe vehicles.

In addition to age the Port also mandates that a percentage of vehicles operating at the Port use alternative fuels. This requirement helps to reduce carbon emissions and improve the overall environment, while increasing vehicle efficiency through the use of green friendly environmental vehicles. The City has had a long standing history and practice of instituting similar green initiatives and staff recommend following the lead of the Port and implementing a similar requirement. Staff does recognize that such a recommendation will impact the Taxicab industry companies. In light of this staff recommends not implementing the requirement until January 1, 2015. This would afford operators an opportunity to transition a portion of their fleet in conjunction with reducing the age of their fleets.

According to the Environmental Protection Agency (EPA), which established vehicle emission standards for cars and trucks in the early 1970s, cars, buses, trucks, planes and other mobile sources account for almost a third (27.9%) of the total air pollution in the United States. Over the succeeding decades Congress has made vehicle emissions standards increasingly stringent to address national air quality concerns. Personal vehicles (sedans and light trucks) may account for as much as 17% of total air pollution.

Many state and local governments are also working to enhance air quality. For instance California has established more stringent automobile emission standards than the federal standards. Local governments, like Oakland, are also promoting improved air quality through a variety of actions including requiring environmental standards when competitively bidding for service contracts such as garbage collection. The City of Oakland has been committed to leading Oakland's progress in becoming a more sustainable city – a community in which all people have

Item: _____
City Council
May 7, 2013

the opportunity to live safe, healthy and fulfilling lives. Protecting a clean and ecologically healthy environment; growing a strong economy brimming with opportunity; and fostering a safe, equitable and vibrant community are all critical components of this vision.

The sustainable City vision has led to green initiatives including the elimination of Styrofoam and plastic bag reduction initiatives. Requiring our taxicab companies to move towards environmentally friendly fleets and thereby reducing carbon emissions throughout the City further implements the Council stated policy goal of making Oakland a sustainable and green City.

Standards of Comportment:for Drivers

The majority of Oakland's taxi drivers conduct themselves in a professional manner in their driving and interactions with others, ensuring, to the greatest extent possible, the security and safety of their passengers, other drivers, and the public at large. However, as with any large group there are individuals who do not operate rationally, safely, or with common sense and who thereby put others at risk or, create nuisances, or, in extreme cases, cause actual harm. The City Administrator's Office has recently received complaints of the latter type of conduct.

Currently, except for expired licenses, failed drug tests, or lack of insurance, the only basis for non-renewal of a driver permit is criminal conviction. Staff proposes authorizing the City Administrator to promulgate standards for driver conduct and comportment and provide the authority to suspend, revoke, or deny renewal of driver permits on the basis of confirmed violations of standards.

The proposed amendment protects the due process rights of drivers by requiring written notice of an allegation, offering the driver the opportunity to contest the allegation, and warning of the potential for suspension, revocation, or non-renewal on the basis of uncontested or confirmed allegations. A contested allegation will be determined on a preponderance of the evidence standard. Additional protection is provided, in that the remedies of revocation and/or nonrenewal are available only upon a second or greater uncontested or confirmed violation. A ten-day maximum suspension may be imposed for a first violation.

Adoption of this proposal will increase the overall safety of Oakland's taxi service by providing the City Administrator with a tool for eliminating drivers who intentionally or heedlessly intimidate, imperil, or harm others on more than a one-time basis.

References to OMC Chapters 1.08 and 1.16

OMC Section 5.64.135 provides that the City Administrator may utilize OMC Chapter 1.12 to enforce the Taxicabs Ordinance. However, Chapters 1.08 and 1.16 also provide supplementary and complementary mechanisms enforcing the Ordinance. Thus, Staff proposes amending

Item: _____
City Council
May 7, 2013

section 5.64.135 to add references to the enforcement options provided by Chapters 1.08 and 1.16.

Allow Applications for Authorized Vehicle Permits

OMC section 5.64.110 requires a declaration of public convenience and necessity prior to the issuance of more permits than the City Council has already determined necessary. The biennial hearing, which is also the subject of this report, is intended to provide the Council with information to determine whether additional permits are needed.

Another provision of section 5.64.110 states that "Taxicab vehicle permit applications shall be accepted following a declaration of public convenience and necessity by the City Council, . . ." This requirement does not seem to account for the current situation, in which vehicle permits previously authorized by Council are held by the City Administrator due to revocation and non-issuance.

The proposed amendment would allow the City Administrator to conduct the required request-for-proposals application process, without an additional declaration of public convenience and necessity by Council, for those permits previously authorized by Council that have returned to City hands for any reason.

Fare Structure Increase

Staff is also proposing modest increases to the fees that drivers can charge passengers. These fees are consistent with what other Cities, Berkeley and San Francisco, charge for the same activity. Drivers have indicated in the biennial hearing that their costs e.g. gas and gate (cost of leasing vehicle from permit holder), as well as cost of living have increased but the fare structure has not. Drivers indicated that increasing the Fare to be comparable to other Cities, as well as eliminating the fee for "% of fare over 15 miles out of City", would make earning a living wage easier.

The current fare structure for the City of Oakland Taxicabs is as follows:

Flag drop (excluding mileage)	\$3.00
Mileage	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 6:00 a.m.
Small animal (except service animal)	\$1.00
Additional stops requested	\$1.00

Item: _____
City Council
May 7, 2013

Obtaining change	50¢
Luggage that forces trunk open	\$1.00
% of fare over 15 miles out of City	150%

Staff conducted a survey of the Bay Area fee structures of Taxicabs and found that other cities have higher fare fees as follows:

For Berkeley the rates are as follows:

Flag drop (excluding mileage)	\$3.40
Mileage	\$3.00 per mile or \$.030 per 1/10th of a mile
Waiting time or Traffic Delay	\$36.00 per hour or \$0.30 for each 36 seconds
% of fare over 15 miles out of City	150%

For San Francisco the rates are as follows:

Flag drop (excluding mileage)	\$3.10 for the first fifth of a mile or "flag"; \$0.55 for each additional fifth of a mile or fraction thereof
Mileage	\$3.00 per mile or \$.030 per 1/10th of a mile
Waiting time or Traffic Delay	\$0.55 for each one minute
% of fare over 15 miles out of City	150%

Staff is recommending increases to bring the fare structure in line with what the City of Berkeley is currently charging passengers. Staff is also recommending the elimination of the Percentage of Fare over 15 miles out of the City. The elimination is based on the fact that Oakland drivers believe this fare has impacted their ability to pick up passengers at the Oakland Airport. This is due to the fact that when an arriving passenger that may reside in areas outside the City of Oakland sees the fare they are less likely to ride in an Oakland Taxicab, as they deem that percentage a premium that is too expensive to pay.

Biennial Hearing on Number of Taxis Required for Public Convenience and Necessity

A CD of the individual testimony offered at the hearing is available. The issues raised by people testifying at the public hearing and the consensus on those issues were:

1. Elimination of radio dispatch in one-cab companies. Drivers prefer hands-free cell phones.

Item: _____
City Council
May 7, 2013

2. Because of the weak economy and insufficient number of taxi stands, there is no need to increase the number of taxis.
3. Drivers are struggling to make a living. It is common for drivers to wait for hours for a fare.
4. Companies are struggling to meet their overhead expenses such as insurance premium.

Other related issues:

1. City should regulate weekly fee charged by the companies. Some companies are imposing higher gate fee to drivers to compensate the increased taxi vehicle permit fee.
2. There are more gypsy cabs picking up.
3. Agree to raise the meter with benchmark from City of Berkeley and City of Emeryville.
4. Taxi vehicle permits should be assigned to drivers based on seniority.
5. There should be a universal driver's permit that is valid for any taxi companies in Oakland.
6. More taxi stands are needed near Coliseum, Fruitvale, Lake Merritt & MacArthur Bart.
7. Proposal to use GPS as waybills.

PUBLIC OUTREACH/INTEREST

Staff discussed proposed changes with drivers, representatives of large taxi companies, and an attorney representing several drivers. In addition staff conducted the required biennial hearing on convenience and necessity in December 2012 at which several of the issues addressed above were discussed.

COORDINATION

The Budget and city Attorney Offices were consulted during the preparation of this report.

COST SUMMARY/IMPLICATIONS

The informational report on the biennial hearing has no fiscal impact, and the addition of references to Chapter 5.64 to the list of City ordinances that are authorized to utilize the administrative procedures of Title 1 has no direct fiscal impacts. One of the proposed amendments to OMC Chapter 5.64, the maximum \$5,000 fine that can be assessed on unpermitted taxicabs pursuant to that provision, has the potential for a direct fiscal impact. However, it is unknown at this time how many unpermitted operations may be reported and investigated, how many hearings may be conducted, and, if a hearing determined an operation

Item: _____
City Council
May 7, 2013

was unpermitted, the level of fine that would be imposed. The fine's main purpose is to deter unpermitted operators and, if it serves that function successfully, there will be little fiscal impact.

In addition to the \$5,000 unpermitted taxi penalty fee mentioned above, state law allows for cities to recoup their costs of investigating these violations. California Government Code section 53075.9 requires that these proceeds must be segregated in a fund for enforcing the violations.

These revenues will be maintained in the taxi administration fund of the City Administrator's Office. (1.4100.30541.42314.0000000.IN01)

The modest increase in fare structure also will not have a fiscal impact on the City as these increases will go towards each drivers ability to earn a living wage, and is comparable to what neighboring jurisdictions charge for the same service.

SUSTAINABLE OPPORTUNITIES

Economic: The consensus of those who testified at the biennial hearing on the number of taxis required for public convenience and necessity was that, with the exception of additional taxis for the disabled, additional taxis would have a negative economic effect on Oakland's existing taxi drivers and taxi companies.

If the proposed amendments authorizing the use of the state law are effective in reducing the number of gypsy cabs operating in Oakland, the result will be an economic gain for Oakland's taxi drivers and companies. Small taxi companies will also benefit by the elimination of the requirement for radio dispatch service. Large taxi companies that utilize automated tracking systems can significantly reduce their costs of maintaining and providing

Environmental: There are no direct environmental effects of retaining the current number of permitted taxis, as recommended from the City Administrator's evaluation of the biennial hearing. There are also no direct environmental impacts from the proposed amendments to the Municipal Code.

The inclusion of maximum age and alternative fuel requirements will help to reduce Oakland's carbon footprint and thereby improve the overall environmental quality of life for all Oakland residents.

Social Equity: Taxicabs are an important mode of transportation for those with low incomes who do not have their own automobiles. This segment of the population was not represented at the biennial public hearing, and more outreach is warranted to determine if the need for taxicabs is adequately met in this segment of the community.

For questions regarding this report, please contact Arturo M. Sanchez, Deputy City Administrator at (510) 238-7542.

Respectfully submitted,



Arturo M. Sanchez
City Administrator's Office

Prepared by: Arturo M. Sanchez
Deputy City Administrator
City Administrator's office

Item: _____
City Council
May 7, 2013

2013 APR 25 PM 6:55

APPROVED AS TO FORM AND LEGALITY

Micela Hughes
City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

**ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (OMC)
CHAPTER 5.64 (TAXICABS) TO**

- A) ESTABLISH CRITERIA, AS REQUIRED BY STATE LAW, TO INVESTIGATE UNPERMITTED TAXICAB OPERATIONS;
- B) CLARIFY PROVISIONS REGARDING USE OF CREDIT CARDS;
- C) REMOVAL OF DISPATCH SERVICE REQUIREMENT FOR COMPANIES WITH FEWER THAN FIVE TAXIS;
- D) ADD OPTION OF ELECTRONIC WAYBILLS FOR DOCUMENTING TAXI USAGE;
- E) ESTABLISH A FLEET OF RAMPED TAXIS FOR TRANSPORTING PASSENGERS WITH DISABILITIES AND A RATIO OF SUCH TAXIS TO OAKLAND'S REGULAR TAXIS;
- F) ESTABLISH VEHICLE AGE AND ALTERNATIVE FUEL REQUIREMENTS;
- G) AUTHORIZE THE CITY ADMINISTRATOR TO PROMULGATE STANDARDS OF COMPORTMENT FOR DRIVERS AND TO PROVIDE FOR PERMIT SUSPENSION, REVOCATION, AND NON-RENEWAL ON THE BASIS OF VIOLATIONS; and
- H) ELIMINATE EXPIRED SECTION OF OMC CHAPTER 5.64

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 statewide problems of unpermitted taxi operators, the State has authorized cities to investigate unpermitted taxi operations; and

WHEREAS, the State requires cities to establish criteria for the type of information that is sufficient to warrant and investigation; and

WHEREAS, if an investigation determines that a taxi operator is operating without a permit, a fine of up to \$5,000 may be assessed; and

WHEREAS, State law also authorizes civil and criminal prosecution of unpermitted taxi operations; and

WHEREAS, State law provides for removing the telephone service of unpermitted taxi operations; and

WHEREAS, conflicting provisions for handling credit cards inadvertently were included in amendments to the ordinance adopted in 2008, due to clerical error; and

WHEREAS, the fairest method of allocating the charges imposed by credit card companies is the option of allowing taxi companies to pass on to drivers the actual charge for the use of credit cards; and

WHEREAS, the current provision requiring all taxi companies to employ a radio-dispatching service predates the general usage of cell phones as the primary dispatch method for small taxi companies; and

WHEREAS, the current provision requiring the maintenance of manual waybills predates the availability of electronic tracking systems of taxicab usage; and

WHEREAS, electronic records of taxicab usage provide more accurate information than manual records; and

WHEREAS, taxicabs are an important transportation option for persons with disabilities; and

WHEREAS, the Ordinance currently has no requirement for ramped taxis capable of transporting passengers in wheelchairs; and

WHEREAS, Oakland's disability consultants recommend a ratio of one (1) ramped taxi vehicle for every twenty (20) regular vehicles; and

WHEREAS, criminal conviction is currently the only basis expressly identified in the Ordinance for denying the renewal of the permit of taxi drivers who otherwise meet the permitting standards; and

WHEREAS, the City Administer has recently received credible reports of repeated instances of intimidating and abusive behavior by a small minority of taxi drivers; and

WHEREAS, the ability to promulgate driver standards of conduct would provide the City with the ability to suspend, revoke, or deny the renewal of permits when drivers violate the standards, thereby protecting the safety of other drivers and taxi customers; and

WHEREAS, the Section 5.64.135 currently does not reference Chapters 1.08 and 1.16 as available mechanisms for enforcement of Chapter 5.64; and

WHEREAS, sections of the Chapter that have expired should be eliminated to avoid confusion;

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 the California Environmental Quality Act (CEQA), including under Section 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; any portions of the regulations not cited or not shown in underscoring or strike-through type are not changed):

Chapter 5.64 - TAXICABS

Sections:

- 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.

5.64.030 - Definitions.

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

"Alternative Fuel Vehicles" shall mean Vehicles powered by natural gas, propane, ethanol, methanol, gasoline (when used in hybrid electric vehicles only), hydrogen, electricity, fuel cells, or advanced technologies that do not rely on gasoline or diesel fuel or that are powered by a combination of two or more alternate fuels. Alternative Fuel Vehicles include "hybrid" or "bi-fuel" Vehicles powered in part by petroleum gasoline and Vehicles converted from one powered by petroleum gasoline.

"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 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 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 City Administrator, which evidences that a vehicle designated by the 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.

"Ramped Taxi." means a taxi, defined below, which is a minivan or similar vehicle specially adapted with ramp and/or lift access for wheelchair users, which is also equipped with a taximeter, and which prioritizes requests for service from wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

"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 City Administrator to qualified taxicab owners which authorizes them to operate taxicab vehicles meeting established standards within the City.

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 City Administrator. The form and contents of such application shall be specified by the City Administrator; 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 this chapter. The fleet manager is subject to the approval of the City Administrator and shall be subject to the same requirements as permit holders under Subsections 5.64.080 E. and F.;

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, for all fleets consisting of more than five vehicles, 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 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 or alternative waybill information approved in advance by the City Administrator, all dispatch logs for fleets consisting of more than five vehicles, 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 9:00 a.m. to 5:00 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 City Administrator 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 or more vehicles shall provide taxi coverage to all parts of the City 24 hours per day, seven 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 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.
- 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.
- C. Upon written application to the City Administrator, 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. Vehicles transferring operations from one fleet management permittee to another are subject to inspection by the 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 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 51 percent or more of the ownership interest in the entity, the entity may be required by the 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 City Administrator within 30 days.

- E. Prior to the issuance of a vehicle permit, every applicant for a vehicle permit shall file with the 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 30 days of the effective date of this chapter.

- F. The 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 City Administrator and shall be clearly visible from the exterior of the taxicab. The medallion issued for any vehicle shall be surrendered to the 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 City Administrator or evidence is provided to the 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 City Administrator indicating that such vehicle is out of service.

- G. To ensure provision of taxi service to persons confined to wheelchairs, for vehicle permits issued after the adoption of this section, there shall be a ratio of at least 1 ramped taxi per 20 taxis vehicle permits issued. Notwithstanding the transfer provisions of this chapter, vehicle permits issued for ramped taxis shall not be transferred to vehicles incapable of transporting passengers in wheelchairs. With

respect to vehicle permits issued after the adoption of this section, ramped taxis shall be maintained in a ratio of at least 1 ramped taxi to 20 regular taxis.

5.64.055 - Operating permit.

- A. Application for an operating permit shall be filed with the City Administrator. The form and contents of the application shall be specified by the City Administrator; 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 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 60 days of the date of the inspection by the Public Works Agency.

- B.** Applicants for an operating permit must demonstrate that the vehicle meets specified safety and equipment standards. The Public Works Agency 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 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 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 shall conduct, or cause to be conducted, an inspection of all vehicles for which permits are granted under the provisions of this chapter prior to the issuance of an operating permh and at regular annual intervals thereafter on a schedule to be determined by the City Administrator.

Such inspections shall determine compliance with all applicable laws and standards. Standards for such inspections as set by the City Administrator 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 pursuant to Subsection 5.64.040 B.5. or which are not maintained in the condition originally approved by the City Administrator;

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.

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.

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

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 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 50 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 City Administrator. Please specify the vehicle number and driver name." The telephone numbers and email address of the 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. A vehicle permittee shall be issued a decal for each vehicle upon full completion of the annual vehicle permit renewal and vehicle inspection.

E. *Vehicle Age and Alternative Fuel Requirements*

1. **Vehicle Age.** Each vehicle operating within the City of Oakland shall be not more than seven (7) years old (measured from the date of first manufacture). Operating Permit Holder may, with the permission of the City Administrator's Office, which permission shall not be unreasonably withheld, temporarily substitute another Vehicle; provided that any such temporary substitution shall comply with all other operating permit specification and inspection requirements set forth in section 5.64.060.

2. **Alternative Fuel.** By January 1, 2015 Each Operating Permit Holder operating more than one (1) Vehicle shall ensure that no less than 50% of all the Vehicles for which Operating Permits have been issued (or if an odd number, 50% of one less than the number of such Vehicles) shall be Alternative Fuel Vehicles. If a Permit

Holder has eleven (11) Vehicles permitted to operate, no less than five (5) of the Vehicles shall be Alternative Fuel Vehicles.

- F. In addition to the annual inspections provided for in subsection C., 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 Subsection 5.64.080 F.
- G. Any individual who affixes or removes an operating permit without the permission of the City Administrator 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.
- H. All citations issued for violations of subsections C.1. through C.9., 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 30 days.
- I. Operating permits shall be renewed annually on a date to be set for each permit by the City Administrator; provided, however, that the renewal date so set shall be within 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 30 days of the date the registration for that vehicle is renewed with the California Department of Motor Vehicles.

5.64.057 – Operation of a taxi business without a permit

- A. Pursuant to California Government Code section 53075.7, upon receipt of a complaint containing sufficient information to warrant conducting an investigation, either the City Administrator or the Chief of Police shall investigate any business that advertises or operates taxicab transportation service for hire.
- B. To warrant investigation, a complaint must meet the following criteria:
 - 1. The complaint must be submitted to the City Administrator in writing;
 - 2. The complaint must be signed by the complainant;
 - 3. The complaint must specify the following information:
 - (a). The name of the taxi company that is operating without a permit, or, if no company name is provided, other information, such as an advertised

telephone number or website or a vehicle license plate number, that will allow the identification of the operator;

(b). The date, time, and place where the violation occurred;

(c). The nature of the unpermitted activity, including, but not limited to, advertising directed at Oakland customers and picking up customers in Oakland.

C. Upon receipt of a complaint that meets the required criteria and upon determination that the activity complained of alleges the operation or existence of unpermitted taxi(s), the City Administrator will authorize an investigation and will either conduct the investigation or request the Chief of Police to conduct the investigation.

D. If the investigation confirms that an unpermitted taxi business is being advertised and/or operated, the investigating agency shall:

1. Inform the business that they are in violation of the law;

2. Within 60 days of informing the business pursuant to paragraph 1, institute civil proceedings (e.g., pursuant to OMC Chapters 1.08 or 1.16) or criminal proceedings or both;

3. Notify the business, by regular first class mail, that, pursuant to Government Code section 53075.8, the City intends to seek termination of the operator's telephone service.

E. If the City receives no timely protest of the intent to terminate telephone service or, if after a protest hearing, the Hearing Officer determines that the allegations are sufficient to justify seeking termination of the telephone service of the unpermitted taxi operator, the City Administrator may seek termination as provided by Government Code section 53075.8.

F. If, after a hearing, the Hearing Officer finds that any person or corporation is operating a taxicab service without a valid permit, the City Administrator may impose, in addition to any other penalties authorized by law, a fine pursuant to Government Code section 53075.9, plus the reasonable expenses of the investigation, plus interest, as specified in the Master Fee Schedule, on any delinquent fine.

G. Operation of a taxi without a permit issued by the City constitutes a violation of this Chapter and a public nuisance and is subject to all available remedies, including, but not limited to, the remedies provided in the prior subsection, the provisions of OMC Chapters 1.08, 1.12, and 1.16, and civil and criminal prosecution.

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 as operated by or in association with such taxicab fleet management permittee as determined by the City Administrator 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 space 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 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 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 in such form as the City Administrator 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 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 under the standards set forth in Section 5.64.055 and also shall be subject to spot inspections under the provisions of Subsection 5.64.055 E.
- 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.

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. The form and contents of the application shall be specified by the City Administrator; 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 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 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;
 - 5.** Evidence that the driver is covered under the insurance policy covering the fleet management permittee under whom the driver operates;
 - 6.** 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;
 - 7.** Evidence that a person has tested negative for drugs and alcohol through an approved drug and alcohol testing provider within 30 days prior to submitting their driver permit application. A positive test result is grounds for denial or revocation of a driver permit;

8. The City Administrator 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 and in full view of passengers.
- F. Unless an alternative method of maintaining waybill information has been presented by a fleet manager and approved by the City Administrator, 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 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'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 B.1., B.2., and B.4.—B.6., 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 31 to 60 days may be renewed upon the payment of a fee specified in the master fee schedule. Any driver permit that has lapsed for 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. shall be released directly to the City Administrator if the test results concern a taxi driver permittee or taxi driver applicant who is self-employed. The City Administrator 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 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 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.

R. The City Administrator is authorized to promulgate regulations regarding driver conduct and comportment to promote professional conduct and appearance, to ensure the safety, health and wellbeing of passengers, other drivers, and the citizenry at large and to provide standards for rational and courteous behavior.

1. Upon receipt of credible allegations of violation of the regulations, the City Administrator shall provide drivers with written notice of the violation, of the driver's right to contest the allegation in writing, and of the potential for revocation and/or non-renewal of the driver permit on the basis of multiple uncontested or confirmed violations.

2. The City Administrator shall review contested violations and confirm or dismiss the violation on the basis of the preponderance of the evidence.

3. An uncontested or confirmed violation is the basis for the City Administrator to suspend the driver's permit for a period not to exceed ten (10) days.

4. A second or greater uncontested or confirmed violation is the basis for the City Administrator to revoke and/or deny the renewal of the driver's permit, based upon the totality of the circumstances.

S. Denial of a driver permit application is a final decision and nonappealable. An applicant whose driver permit application is denied must wait 60 days from the date of a denial before he/she may reapply. Any application received prior to the 60-day expiration period will not be acted upon until expiration of the 60-day period.

5.64.075 - Temporary driver permit.

The City Administrator may grant a 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 90-day period.

5.64.080 - Permit administration.

- A. The City Administrator is designated as having responsibility for the administration of the City's taxicab regulations. The City Administrator 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 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. 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 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 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.
- 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. Any vehicle permit that is not used in Oakland for more than 15 days in any 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 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 preemptorily 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 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 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 and to give written notification of any changes thereof to such 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 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. Such temporary permits shall not be revoked in conformity with subsections D. and E., but instead shall be revoked immediately on written notice to the holder of the temporary permit. Such revocations are final and nonappealable.

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. 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. 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 \$1,000,000.00 combined single limit per accident for bodily injury, death, and property damage.
- D.** Every insurance policy required under the provisions of subsection A. shall certify that the motor vehicle liability policy shall not be canceled, nor the policy limits thereof changed, except upon 30 days' prior written notice to:

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 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 with written notice within 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 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 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 within 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 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.

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.

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)	\$3.020
Mileage	269¢ each 1/10 mile
Waiting time	\$269.00 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 6:00 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 miles 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. 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 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 90-day period. A sign at least five inches by seven inches shall be posted in the interior of each taxicab, stating the amount of the surcharge, the beginning and ending dates, the section of this Code upon which the surcharge is based, and a phone number to call to confirm the validity of the surcharge.

- E. 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 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 and must result in the reasonable reduction of taxicab fares from those heretofore established to be charged to senior citizens.
- F. Except as authorized under subsection E., no driver shall accept an additional passenger without the prior consent of any passenger who has already hired the taxicab.
- G. 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.

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 exists, 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 for permits in addition to those previously authorized by the City Council, shall be accepted following a declaration of public convenience and necessity by the City Council, and All taxi vehicle permit applications, including those for previously authorized permits held by the City Administrator, 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 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.

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 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.

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, provided that the driver of such taxicab shall not seek or accept passengers within the City.

5.64.135 - Violations.

- A. If the City Administrator or his/her designee determines that a violation of this chapter has occurred, he/she may issue an administrative citation, pursuant to Chapters 1.08, 1.12, and/or 1.16. 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 this 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 this ordinance. A violation of this section is grounds for revocation of the company's fleet management permit.~~

SECTION 5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full force and effect.

SECTION 6. This Ordinance shall be effective _____, upon approval by the City Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAFF, and
PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the

Council

of the City of Oakland,

California

DATE OF

ATTESTATION: _____