

# CITY OF OAKLAND

## AGENDA REPORT

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OFFICE OF THE CITY CLERK  
OAKLAND

2008 JUL 10 PM 6:08

**TO:** Office of the City Administrator  
**ATTN:** Dan Lindheim  
**FROM:** Administrative Hearing Officer  
**DATE:** July 22, 2008

**RE: Supplemental Report on an Ordinance Amending Oakland Municipal Code Chapter 5.64 – Taxicabs**

**1) Regarding Feedback on Amendments Proposed By Taxi Companies And Taxi Drivers, After Conducting a Public Meeting and Mailing Surveys To All Taxi Companies (67) And To 300 Drivers; and**

**2) Additional Alterations to Previously Proposed Taxicab Ordinance Amendments and Resolutions To:**

**a) Establish Implementation Dates of One Year from Adoption for All Items Involving Costs to Taxi Companies**

**b) Adopt a Resolution that Public Convenience And Necessity Requires The Issuance of Fourteen (14) New Taxi Permits for Ramped Taxicabs**

**c) Adopt an Ordinance Amending Ordinance No. 12880 C.M.S., the Master Fee Schedule, To Authorize an Inspection Fee For Each Inspection Following The First Two Initial or Annual Inspections**

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### SUMMARY

At their June 24, 2008 meeting, the Public Safety Committee resumed discussion of proposed amendments to Oakland's Taxi Ordinance, Oakland Municipal Code Chapter 5.64. This item was continued from the May 27, 2008 Public Safety Committee meeting. After receiving public input on June 4<sup>th</sup>, the Committee requested that staff meet with taxi drivers and representatives of the taxi companies to further explain the proposed amendments and to receive additional input.

As requested, a meeting was scheduled for July 8, 2008 at 9:30 a.m. in Hearing Room 3. 67 companies and approximately 300 drivers were notified by mail. Included in the mailed notification was a survey that listed all of the proposed changes and columns for checking support for or opposition to each proposal. A sheet was also included for providing additional comments. The notices encouraged the recipients to attend the meeting and to submit the survey, regardless of whether they could attend the meeting.

Item: \_\_\_\_\_  
Public Safety Committee  
July 22, 2008

Approximately 50 people attended the July 8 meeting. Of the 32 who signed in, 10 were company representatives and 22 were drivers. Many others who did not attend the meeting submitted survey responses. The survey responses are tallied and presented as Attachment A.

### **FISCAL IMPACTS**

Based upon input from the meeting, staff is withdrawing the request to issue 36 new permits for standard taxis. This would result in a reduction of originally projected revenues by \$1620 in medallion fees and \$12,600 in vehicle permit fees. Additionally, based upon input from the meeting, staff is recommending that the minimum size group of drivers forming a collective to submit a proposal on newly issued permits be reduced from ten to three. This would potentially result in four fleet management permits for the 14 ramped taxis which are still recommended. The four permits would generate \$600 in revenue, a \$150 reduction from the originally projected five permits. With only 14 new permits, fewer new drivers would be needed, resulting in an estimated reduction of \$1350 in driver permit fees, from the originally projected revenue of \$1875. In total, issuance of 14 new permits for ramped vehicles would result in estimated revenues of \$6,655 instead of the \$22,375 estimated for the issuance of 50 new vehicle permits.

Based upon input from the meeting, staff is also recommending the taxi re-inspection fee be charged only after the taxi has failed two inspections. Originally, staff estimated revenue of \$42,000 if all inspections following the first inspection were billable. Should Council adopt the proposal to charge for inspections after the second failed inspection, this revenue may be significantly reduced.

### **KEY ISSUES AND IMPACTS**

At the July 8, 2008 meeting with representatives of the taxi industry, staff explained each proposed amendment including the rationale behind it and then provided attendees an opportunity to ask questions and suggest alterations and alternatives to each proposal. The items that were discussed and the results of the discussion follow.

#### **a) Require Companies Holding a Fleet Management Permit That Utilize Two or More Taxis to Provide Proof that the Permitted Taxis are Driven by Either the Permittee or Employees of the Fleet Management Company**

Staff explained that the large companies have long claimed that, as drivers are independent contractors, the companies cannot control the amount of time or the locations where drivers work. An employer-employee relationship would endow companies with the ability to establish schedules to provide the round-the-clock and citywide taxi coverage that taxi users complain is lacking. The proposed amendment does not dictate the parameters of the employer-employee relationship. Employee status would, however provide drivers with the ability to collectively bargain on those parameter, which affect not only their income, but even their willingness to drive, which, in turn, impacts the availability of taxis to Oakland residents and visitors.

Additionally, employee status would provide worker's compensation insurance to drivers, who currently do not have that protection.

Company representatives asked practical questions such as how they would track driver income and tax liability if a gate system, rather than an hourly wage system, remained the employment basis for drivers. As staff is not trained in employment law, the recommendation was to discuss these issues with their attorney or personnel staff.

Some drivers voiced their preference for independent contractor status, and a suggestion was made that companies of a specified size have 50 percent employees and 50 percent independent contractors.

Staff believes that the amendment, as proposed, best addresses the City's goal of improved coverage through the control of the employer-employee relationship. It also provides the greatest potential for private resolution of driver equity issues, through the availability of the collective bargaining process. As the amendment does not dictate any specific form of employer-employee relationship, it encourages creativity in developing the compensation plan most mutually advantageous to the companies and the drivers.

**b) Require Companies to Provide Drivers with Receipts for Fees Paid to the Company by the Drivers**

There were no questions or suggested alternatives regarding this proposal.

**c) Require Companies to Provide Drivers with Documentation on Insurance Claims for Accidents Involving a Driver**

Staff explained that the purpose of this proposal was to assure drivers that, if they have been charged for damage incurred in an accident, the company is not also collecting from the other party's insurance company. There were no questions or suggested alternatives regarding this proposal.

**d) Require Cameras in Taxicabs that do not have Safety Shields and Prohibit Re-tread Tires**

Staff explained that the camera requirement is optional for those who hold vehicle permits and are also the sole driver. Attendees pointed out that, to be of value, the cameras should be required to record and hold images for a specified amount of time in a form that may be retrieved by the Oakland Police Department (OPD). As section 5.64.080A of the Taxi Ordinance designates the Chief of Police as the responsible party for developing the standards and procedures necessary to implement the chapter, the standards for cameras would be established by the Chief.

**e) Require In-Cab Signage Providing Driver Name, Listing Fares, and Informing Passengers of Their Rights and the Procedure for Filing Complaints**

There were no questions or suggested alternatives regarding this proposal.

**f) Require GPS Systems in Taxicabs**

Staff explained that the systems required need only be capable of directing drivers to addresses within Oakland, and that such devices are now available at a cost under \$200. There were no questions or suggested alternatives regarding this proposal.

**g) Establish Additional Driver Training Requirements**

Participants inquired about who would be providing this training and at what cost. Staff explained that the City would be responsible for the training, but may need to obtain expert help in areas such as transporting passengers with disabilities. The cost would be incorporated, as it currently is, into the cost of the driver permit. There were no suggested alternatives regarding this proposal.

**h) Issue Permits on the Basis of Service Proposals, Instead of by Lottery**

Staff explained that the current lottery authorized by the Taxi Ordinance places no requirement on lottery entrants. This has resulted in many lottery winners who have no intention of driving a cab, but instead, lease the vehicle permit to a taxi company, creating a lifetime stream of income for the lottery winner and a level of unproductive cost that is passed on to the driver as part of the gate. Permits issued by lottery also have no requirements other than not being out of service more than 10 consecutive days. The lottery system therefore does not address the City's need for complete coverage of hours and areas.

Additionally, as the most recent lottery of 29 permits indicated, it is economically difficult for individual permittees to create a sufficient level of advertising and to utilize a dispatch system that makes their presence known and available to those in need of taxi service. Criteria for proposals would include both plans for coverage and proof of capitalization to ensure that the selected permittees increase the level of service currently available to Oakland residents and visitors.

The drivers who attended the meeting were unanimous in desiring that permits be issued only to current Oakland taxi drivers on the basis of seniority. They believed that, although driver collectives may apply, the proposed minimum level of 10 permits sets the bar too high and discourages small business. While the driver preference would be for individually issued permits, they acknowledge that the capitalization issue is valid. The suggestion was made and staff is proposing decreasing the minimum level of permits on which proposals may be submitted to three.

Drivers and companies also pointed out that it must be clear when vehicle permits are issued whether those vehicles will have Oakland Airport access. Unless the Port of Oakland changes

their structure, any new permits issued would not have that access. Those drivers who do not have airport access continue to press for it. At the meeting, the scheme utilized by some cities of authorizing airport access to a portion of the taxis for a limited period, such as two years and then rotating it to another portion for the next two years, met with the approval of the drivers who desire such privileges. The drivers understand that the Port makes the final decision but they requested that the City work closely with the Port and advocate for driver equity.

**i) Increase Basic Fare Components, Add New Fare Components, Authorize Collection from Passengers of All Mandatory Fees Paid by Drivers, And Establish Who Pays the Fees Incurred Through The Use Of Credit Cards For Payment Of A Taxi Fare**

On July 1, 2008, the City Council adopted all of the fare components except the determination of who pays the credit card fees. There were no questions or suggested alternatives regarding this proposal.

**j) Place a Temporary Freeze on the Taxicab Lease Rates Charged by Taxi Companies to Drivers**

Staff explained that it is the City's hope that one of the driver's major concerns, the price of the gate, can be resolved by the companies and the drivers rather than by ordinance. The drivers of the Friendly/Yellow/Metro Cab group have been determined by the court to be employees<sup>1</sup>, and if the employee amendment of these proposals is adopted, the drivers of all companies would have the opportunity to resolve this issue through collective bargaining. Alternatively, if the gate is replaced by a different compensation scheme, the issue is moot. Staff believes that a one year implementation period should be sufficient time to work through this issue.

Company representatives pointed out that, while the freeze on the gate is specified for one year from adoption, some of the measures that would create costs have stated dates which, at this point would be less than one year from adoption. Staff therefore has altered the proposed cost-incurring amendments to allow full implementation one year from adoption.

**k) Authorize Administrative Citations for Violations of the Chapter And Authorize Imputation Of Driver And Vehicle Violations To The Fleet Management Permittee**

There were no questions or suggested alternatives regarding this proposal.

**l) Establish a Process and a Fee for the Establishment and Maintenance of Taxi Stands**

Staff explained that, since individual taxi companies no longer sponsor, nor claim exclusive use of taxi stands, the number of stands available has declined dramatically. Under the proposal to allocate the cost of new stands and maintenance across all taxis, at the current Master Fee Schedule cost of taxi stands, each new stand would add less than 75 cents to the annual fleet management permit fee.

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<sup>1</sup> To date, the Friendly/Yellow/Metro Cab group has implemented a pilot project of five drivers who are employees and who are paid an hourly wage. They have not commenced collective bargaining with their drivers who are represented by the East Bay Drivers' Association.

Attendees voiced their feeling that taxis are a service to the City and the City should therefore cover the cost. Attendees also requested that the taxi stand at Coliseum BART be restored as soon as possible, and that it be placed on the City street adjacent to the station if the private status of the BART property requires lengthy negotiations prior to placement.

**m) Require that Permits Issued After May 1, 2008 be Driven a Minimum Number of Hours and Days Per Year by the Permit Holder or by Employees of the Permit Holder**

There were no questions or suggested alternatives regarding this proposal.

**n) Allow Revocation of Vehicle permit if Vehicle Not Used More Than 10 (Ten) Days in Any 30 (Thirty) Day Period**

Attendees initially voiced objections that 10 days was too short, requesting 90 consecutive non-use days as a revocation standard. They pointed to such things as mechanical problems and vacations as reasons why the ten days might be exceeded. Staff explained that revocation would not be requested if good cause for non-use is shown. The ordinance specifies this. Mechanical problems and reasonable vacations are examples of good cause.

**o) Provide Prompt Hearings on Suspended Permits**

There were no questions or suggested alternatives regarding this proposal.

**p) Authorize City Administrator to Establish a Gasoline Surcharge Should Gasoline Prices Warrant**

There were no questions regarding this proposal and, when queried whether \$5.00 per gallon gasoline would be a reasonable level at which to declare the surcharge, there was general consensus in favor of that level.

**q) Require Companies of Ten (10) or More Vehicles to Submit a Plan for 24/7 Coverage of City**

Many attendees protested that there is no business for taxis between 3 a.m. and 6 a.m. Additionally, some expressed concern that there are areas of Oakland where they feel it is not safe to pick up fares. Staff believes it is important for the large taxi companies to address these issues. Although there may be very little need for taxis between 3 a.m. and 6 a.m., babies waiting to be delivered and other emergency medical situations have no respect for time of day. Having drivers on call during these hours is an example of a coverage plan that does not require physical presence except as needed.

During previous meetings with drivers, they indicated that the addition of cameras would increase their willingness to cover all areas of Oakland. If problems with specific geographical areas persist after the adoption of these amendments, the City and the taxi industry should continue to brainstorm ways of resolving the problem.

**r) Allow Transfer of Vehicle Permits Only with Sale of Company, With No Consideration for the Permit**

There were no questions or suggested alternatives regarding this proposal.

**s) Establish A Requirement To Treat Passengers And Regulatory Personnel Courteously**

There were no questions or suggested alternatives regarding this proposal.

**t) Include Violations Of Pertinent Federal, State, And Local Laws As Grounds For Permit Revocation or Suspension**

One driver protested that this was too much regulation. Staff explained that compliance with applicable laws is a requirement of other permits but one that has been missing from this chapter. Laws that do not relate to a company's involvement in the taxi business or to a driver's performance as a taxi driver are not included.

**u) Extend To Relatives Of The Tertiary Degree The Prohibition On Issuance Of More Than 30 Percent Of Total Vehicle Permits**

There were no questions or suggested alternatives regarding this proposal.

**v) Adopt a Resolution that Public Convenience and Necessity Requires the Issuance of Fourteen (14) New Taxi Permits for Ramped Taxicabs and Thirty-six (36) New Taxi Permits for Standard Taxicabs**

Both drivers and companies voiced their concerns that, in the current economy, the base of customers had decreased significantly. The Oakland Airport reports that to date this calendar year, the number of taxi fares is down 11,000 to 12,000 per month over the same period in 2007. Drivers and companies are concerned that additional permits will further dilute the available market, increasing the difficulty of making a living as a taxi driver.

Although the proposal for additional permits was based upon 1) the reported lack of service at the current level, and 2) the average number of taxis in cities of similar size and composition, staff acknowledges that the economy is a significant negative factor at the current time. Therefore, the proposal to issue 36 additional permits for standard taxis has been withdrawn.

Several written comments noted that a large number of taxis remain out of use at the large companies and that these permits could be reclaimed and reissued by the City, creating the same net affect as the issuance of additional permits. The audit of Yellow Cab, attached to the original staff report, documented the extended non-use of the 41 cabs of that fleet, all of which could be revoked under the current standard.

Staff continues to support the issuance of fourteen additional permits specifically for ramped taxis to reach the minimum recommended level, thereby meeting the City's obligation to provide

adequate service to persons with disabilities. Both drivers and companies expressed their concern that ramped vehicles are more costly to purchase and passengers with disabilities more costly to transport and that, without subsidy from the City, there may be no interest in these permits. A Request for Proposals would prove whether this concern is well-founded.

**w) Adopt an Ordinance Amending the Master Fee Schedule to Cover Costs of the Taxi Re-inspections**

Both drivers and company representatives objected to a fee for all inspections after the first inspection, explaining that the taxi may fail an inspection for a very small infraction, such as a burned out light bulb. Staff therefore proposes that the re-inspection fee occur for inspections required following two inspections. The consensus of the group at the July 8<sup>th</sup> meeting was that this modification was reasonable.

**SUSTAINABLE OPPORTUNITIES**

***Economic:***

The City acknowledges that issuing additional standard vehicle permits at this time may significantly negatively impact the existing taxi drivers and companies. Synchronizing the changes that impact both the income and expenses of the proposals minimizes the economic burden of implementation during the period of the proposed gate freeze.

***Environmental:***

No additional environmental affects are contemplated by the newly proposed changes to the amendments.

***Social Equity:***

No additional social equity affects are contemplated by the newly proposed changes to the amendments.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Additional ramped vehicles will allow Oakland to provide adequate taxi service to persons with disabilities.

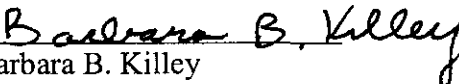


**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council:

- 1) Accept this report
- 2) Select the preferred method for handling credit card fees
- 3) Adopt the Ordinance amendments recommended in the original report, and the amended proposals presented above.

Respectfully submitted,

  
Barbara B. Killey  
Assistant to the City Administrator

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Attachment: Company and Driver Responses to Survey on Proposed Taxi Ordinance Amendments

## RESPONSES FROM TAXI DRIVERS

Proposed Change To Oakland's Taxi Ordinance Survey	Yes	No
A) Require Companies Holding A Fleet Management Permit That Utilize Two Or More Taxis To Provide Proof That Permitted Taxis Are Driven By Either The Permittee Or Employees Of The Fleet Management Company	87	38
B) Require Companies To Provide To Drivers Receipts For Fees Paid To The Company By The Drivers	97	29
C) Require Companies To Provide Drivers With Documentation On Insurance Claims For Accidents Involving A Driver	101	25
D) Require Cameras In Taxicabs That Do Not Have Safety Shields And Prohibit Re-Tread Tires	84	43
E) Require In-Cab Signage Providing Driver Name, Listing Fares, and Informing Passengers Of Their Rights And The Procedure For Filing Complaints	99	25
F) Require GPS Systems In Taxicabs	91	34
G) Establish Additional Driver Training Requirements: Safety, Appearance, Customer Relations, Transporting Passengers With Disabilities	86	34
H) Issue Permits To Companies or Driver Collectives In Minimum Lots of 10 On The Basis Of Service Proposals, Instead Of By Lottery	50	62
I) Increase Basic Fare Components, Add New Fare Components, Authorize Collection From Passengers Of All Mandatory Fees Paid By Drivers, And Establish Who Pays The Fees Incurred Through The Use Of Credit Cards For Payment Of A Taxi Fare	94	31
J) Place A Temporary (1 year) Freeze, not to exceed Nov. 30, 2007 Level, On The Taxicab Lease Rates (Gate) Charged By Taxi Companies To Drivers	87	34
K) Authorize Administrative Citations For Violations Of The Chapter And Authorize Imputation Of Driver And Vehicle Violations To The Fleet Management Permittee If It is Determined That The Fleet Management Permittee Bears Responsibility For The Violation	94	31
L) Establish A Process And A Fee For The Establishment And Maintenance Of Taxi Stands – Cost to Be Prorated By Number Of Vehicles And Paid As Part Of Annual Fleet Management Permit	80	45
M) Require That Permits Issued After June 1, 2008 Be Driven A Minimum Number Of Hours And Days Per Year By The Permit Holder Or By Employees Of The Permit Holder	87	39
N) Allow Revocation Of Vehicle Permit If Vehicle Is Out Of Use More Than 10 (Ten) Days In Any 30 (Thirty) Day Period	78	46
O) Provide Appeal Hearings On Suspended Permits Within 24 Hours Of Suspension If Requested	105	21
P) Authorize City Administrator To Establish A Gasoline Surcharge of \$1.00 Per Fare Should Gasoline Prices Warrant	105	21
Q) Require Companies Of 10 Or More Vehicles To Submit Plan For 24/7 Coverage Of City In Fleet Renewal Packet	91	34
R) Allow Transfer Of Vehicle Permits Only With Sale Of Company, With No Consideration For The Permit (No Sales of Vehicle Permits Only)	92	32
S) Establish A Requirement To Treat Passengers And Regulatory Personnel Courteously	102	18
T) Include Violations Of Pertinent Federal, State, And Local Laws As Grounds For Permit Revocation Or Suspension	97	28
U) Extend To Relatives Of The Tertiary (3 <sup>rd</sup> ) Degree The Prohibition On Issuance Of More Than 30 Percent Of Total Vehicle Permits	88	40
V) Issue 50 New Vehicle Permits: 14 For Ramped Taxis & 36 For Standard Taxis	60	62
W) Charge \$140.00 Per Additional Inspection If Taxi Does Not Pass First Inspection	39	88

## RESPONSES FROM TAXI COMPANIES

Proposed Changes To Oakland's Taxi Ordinance Survey	Yes	No
A) Require Companies Holding A Fleet Management Permit That Utilize Two Or More Taxis To Provide Proof That Permitted Taxis Are Driven By Either The Permittee Or Employees Of The Fleet Management Company	11	7
B) Require Companies To Provide To Drivers Receipts For Fees Paid To The Company By The Drivers	14	5
C) Require Companies To Provide Drivers With Documentation On Insurance Claims For Accidents Involving A Driver	17	3
D) Require Cameras In Taxicabs That Do Not Have Safety Shields And Prohibit Re-Tread Tires	6	11
E) Require In-Cab Signage Providing Driver Name, Listing Fares, and Informing Passengers Of Their Rights And The Procedure For Filing Complaints	16	2
F) Require GPS Systems In Taxicabs Capable of Directing Drivers to Customer Addresses	7	8
G) Establish Additional Driver Training Requirements: Safety, Appearance, Customer Relations, Transporting Passengers With Disabilities	15	4
H) Issue Permits To Companies or Driver Collectives In Minimum Lots of 10 On The Basis Of Service Proposals, Instead Of By Lottery	0	19
I) Increase Basic Fare Components, Add New Fare Components, Authorize Collection From Passengers Of All Mandatory Fees Paid By Drivers, And Establish Who Pays The Fees Incurred Through The Use Of Credit Cards For Payment Of A Taxi Fare	14	5
J) Place A Temporary (1 year) Freeze, at Nov. 30, 2007 Level, On The Taxicab Lease Rates (Gate) Charged By Taxi Companies To Drivers	10	9
K) Authorize Administrative Citations For Violations Of The Chapter And Authorize Imputation Of Driver And Vehicle Violations To The Fleet Management Permittee If It is Determined That The Fleet Management Permittee Bears Responsibility For The Violation	12	7
L) Establish A Process And A Fee For The Establishment And Maintenance Of Taxi Stands – Cost to Be Prorated By Number Of Vehicles And Paid As Part Of Annual Fleet Management Permit	4	15
M) Require That Permits Issued After June 1, 2008 Be Driven A Minimum Number Of Hours And Days Per Year By The Permit Holder Or By Employees Of The Permit Holder	4	13
N) Allow Revocation Of Vehicle Permit If Vehicle Is Out Of Use More Than 10 (Ten) Days In Any 30 (Thirty) Day Period	2	17
O) Provide Appeal Hearings On Suspended Permits Within 24 Hours Of Suspension If Requested	18	1
P) Authorize City Administrator To Establish A Gasoline Surcharge of \$1.00 Per Fare Should Gasoline Prices Warrant	17	2
Q) Require Companies Of 10 Or More Vehicles To Submit Plan For 24/7 Coverage Of City In Fleet Renewal Packet	16	2
R) Allow Transfer Of Vehicle Permits Only With Sale Of Company, With No Consideration For The Permit (No Sales of Vehicle Permits Only)	10	9
S) Establish A Requirement To Treat Passengers And Regulatory Personnel Courteously	18	1
T) Include Violations Of Pertinent Federal, State, And Local Laws As Grounds For Permit Revocation Or Suspension	13	5
U) Extend To Relatives Of The Tertiary (3 <sup>rd</sup> ) Degree The Prohibition On Issuance Of More Than 30 Percent Of Total Vehicle Permits	13	6
V) Issue 50 New Vehicle Permits: 14 For Ramped Taxis & 36 For Standard Taxis	10	9
W) Charge \$140.00 Per Additional Inspection If Taxi Does Not Pass First Inspection	0	19

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 JUL 10 PM 6:15

Approved as to Form and Legality

*Scott C. Jackson*  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

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**RESOLUTION THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRES THE  
ISSUANCE OF FOURTEEN (14) NEW TAXI MEDALLIONS FOR RAMPED  
TAXICABS AND AUTHORIZING THE CITY ADMINISTRATOR TO REQUEST  
PROPOSALS IN ORDER TO AWARD THE NEW MEDALLIONS ON THE BASIS  
OF PROPOSALS THAT BEST MEET THE TAXI SERVICE NEEDS OF THE CITY  
OF OAKLAND**

**WHEREAS**, persons with disabilities have reported difficulties obtaining accessible (ramped) taxicabs in Oakland; and

**WHEREAS**, Oakland has capped the number of permitted taxicabs at 315; and

**WHEREAS**, with only four accessible taxis of the total 315 permitted taxis, the current ratio of accessible cabs to standard cabs, one to 78, is far below the minimum of one accessible cab to 20 standard cabs recommended by experts on serving persons with disabilities; and

**WHEREAS**, the lottery system previously utilized for the issuance of taxi permits has resulted in permit holders that have no interest in Oakland's taxi system, concentration of permits in Oakland's large companies through leases of permits held by disinterested lottery winners, invisibility to the general public of many taxicabs operated by sole proprietor permittees; and many gaps in the taxi service available to Oakland residents and visitors; and

**WHEREAS**, issuing the new permits on the basis of a Request for Proposals would provide the City with an opportunity to establish proposal criteria to fill the gaps and to select the proposals that best do so; now, therefore, be it

**RESOLVED**, that public convenience and necessity require the issuance of additional taxicab permits; and be it

**FURTHER RESOLVED**, that fourteen (14) new medallions be immediately authorized for accessible (ramped) taxicabs, and that these permits be reserved for accessible taxicabs only; and be it

**FURTHER RESOLVED**, that all additional revenues generated through the issuance of new permits will continue to be deposited in General Purpose Fund (1010), Traffic BFO Organization (107510), Police Permits Account (42411); and be it

**FURTHER RESOLVED**, that the City Administrator generate a Request for Proposals including, but not limited to the following criteria for applicants responding to the Request for Proposals:

- Proposals must be for the operation of a minimum of three vehicles and in minimum three vehicle increments.
- Either companies or collectives of individual drivers may submit proposals. Proposals from driver collectives must include a notarized statement from each taxi driver holding a California permit who is a member of the collective that states that, if awarded a vehicle permit, he or she would personally drive the vehicle at least four hours a day 75 percent of the business days of the year.
- Proposals must include proof that the company or driver collective has adequate capital to purchase regulation cabs and a dispatch system and to initiate operations prior to making a profit.
- Proposals must include customer service standards and a complaint processing plan;

and be it

**FURTHER RESOLVED**, that the new permits be issued on the basis of the proposals that best meet the criteria set forth above.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND  
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 JUL 10 PM 6:15

APPROVED AS TO FORM AND LEGALITY

*Scott CR Jackson for Deborah B. Buehler*  
City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AMENDING ORDINANCE NUMBER 12809 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH AN INSPECTION FEE FOR TAXICAB INSPECTIONS REQUIRED IN EXCESS OF TWO INSPECTIONS INCLUDED IN THE INITIAL PERMITTING AND ANNUAL PERMIT RENEWAL PROCESSES**

**WHEREAS**, Oakland's Master Fee Schedule currently provides a fee for the initial permitting and annual renewal of operating permits for Oakland taxicabs; and

**WHEREAS**, that fee includes one inspection; and

**WHEREAS**, no provision is made for inspections required in excess of one annual inspection; and

**WHEREAS**, re-inspections are required when, upon the first inspection, taxicabs fail to meet Oakland's maintenance and safety standards or when violations of these standards are cited during operations by Oakland Police Department personnel; and

**WHEREAS**, the number of these re-inspections has increased to the level that they exceed the number of inspections included in the permitting fee; and

**WHEREAS**, the result is a great deal of unreimbursed Oakland police officer time and inability of officers performing such inspections to provide productive police services; and

**WHEREAS**, some first inspection failures are due to small violations, not to intentional neglect; and

**WHEREAS**, the lack of a re-inspection fee provides no incentive for taxi drivers and companies to maintain their vehicles to Oakland's standards, but rather, encourages some to utilize the Oakland Police Department as diagnosticians; and

**WHEREAS**, the City desires to encourage responsible maintenance without being excessively punitive; now, therefore

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

**SECTION 1.** The Master Fee Schedule as set forth in Ordinance Number 12809 C.M.S., as amended, is hereby amended to establish a re-inspection fee for re-inspections in excess of the first two inspections included in the initial permitting and annual renewal of taxicab operating permits, as set forth in Exhibit A, attached hereto and made a part hereof.

**SECTION 2.** All revenues generated through the re-inspection fees will continue to be deposited in General Purpose Fund (1010), Traffic BFO Organization (107510), Police Permits Account (42411);

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

**EXHIBIT A**

**POLICE SERVICES**

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

<b><u>FEE DESCRIPTION</u></b>	<b><u>Fee</u></b>	<b><u>Unit</u></b>
<b>AC. TAXICAB PERMIT FEES</b>		
<b>2. Operating Permit, and Spare Vehicle Permit</b>		
<b><u>e. Inspections After Two (2) Initial or Annual Inspections</u></b>	<b>140.00</b>	<b>Inspection</b>



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APPROVED AS TO FORM AND LEGALITY

*Jeffrey R. Jackson for D. Bialosky*  
City Attorney

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 To

- A) **Require Companies Holding A Fleet Management Permit That Utilize Two Or More Taxis To Provide Proof That Permitted Taxis Are Driven By Either The Permittee Or Employees Of The Fleet Management Company**
- B) **Require Companies To Provide To Drivers Receipts For Fees Paid To The Company By The Drivers**
- C) **Require Companies To Provide Drivers With Documentation On Insurance Claims For Accidents Involving A Driver**
- D) **Require Cameras In Taxicabs That Do Not Have Safety Shields And Prohibit Re-Tread Tires**
- E) **Require In-Cab Signage Providing Driver Name, Listing Fares, and Informing Passengers Of Their Rights And The Procedure For Filing Complaints**
- F) **Require GPS Systems In Taxicabs**
- G) **Establish Additional Driver Training Requirements**
- H) **Issue Permits On The Basis Of Service Proposals, Instead Of By Lottery**
- I) **Establish Who Pays The Fees Incurred Through The Use Of Credit Cards For Payment Of A Taxi Fare**
- J) **Place A Temporary Freeze On The Taxicab Lease Rates Charged By Taxi Companies To Drivers**
- K) **Authorize Administrative Citations For Violations Of The Chapter And Authorize Imputation Of Driver And Vehicle Violations To The Fleet Management Permittee**
- L) **Establish A Process And A Fee For The Establishment And Maintenance Of Taxi Stands**
- M) **Require That Permits Issued After June 1, 2008 Be Driven A Minimum Number Of Hours And Days Per Year By The Permit Holder Or By Employees Of The Permit Holder**
- N) **Allow Revocation Of Vehicle Permit If Vehicle Not Used More Than 10 (Ten) Days In Any 30 (Thirty) Day Period**
- O) **Provide Prompt Hearings On Suspended Permits**

- P) Authorize City Administrator To Establish A Gasoline Surcharge Should Gasoline Prices Warrant**
- Q) Require Companies Of 10 Or More Vehicles To Submit Plan For 24/7 Coverage Of City**
- R) Allow Transfer Of Vehicle Permits Only With Sale Of Company, With No Consideration For The Permit**
- S) Establish A Requirement To Treat Passengers And Regulatory Personnel Courteously**
- T) Include Violations Of Pertinent Federal, State, And Local Laws As Grounds For Permit Revocation Or Suspension**
- U) Extend To Relatives Of The Tertiary Degree The Prohibition On Issuance Of More Than 30 Percent Of Total Vehicle Permits**

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

**WHEREAS**, the Port of Oakland, where only permitted Oakland taxicabs are authorized to pick up passengers, has recommended that re-tread tires be prohibited to increase the safety of taxicabs; and

**WHEREAS**, based upon the experience of other cities, taxi drivers believe that in-car cameras will help protect their safety; and

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

**WHEREAS**, the City's unmet need for increased taxi coverage and accurate reporting of taxi usage justifies the use of its police power to require ongoing proof of employee status for drivers who are not vehicle permit holders so that companies have the ability to manage the drivers to meet the City's coverage and reporting requirements; and

**WHEREAS**, drivers have complained that they are unable to obtain receipts for all of the charges billed them by the taxi companies, including payments for accident damage that is not the driver's fault; and

**WHEREAS**, receipts are necessary in order for drivers to claim these charges as business expenses; and

**WHEREAS**, residents and visitors have complained about their experiences with Oakland cabs; and

**WHEREAS**, passengers with disabilities have complained of drivers' refusal to allow service animals and to assist the passenger with entering and exiting the cab; and

**WHEREAS**, in order for the City to enforce violations of the taxicab ordinance and assist in improving the experience of taxicab passengers, the City must be aware of such violations and problems; and

**WHEREAS**, in-cab signage explaining passenger's rights and the complaint process would facilitate timely reporting of violations to the City; and

**WHEREAS**, driver training in knowledge of Oakland, safety, appearance, customer relations, and transporting passengers with disabilities should improve the experience of the Oakland taxicab passenger; and

**WHEREAS**, residents and visitors have complained of driver's lack of knowledge of their destination in the City; and

**WHEREAS**, Global Positioning Systems (GPS) can provide directions to addresses in the City; and

**WHEREAS**, the lottery system for issuing taxicab permits has resulted in a large number of permits held by persons who have no interest in Oakland's taxi business; and

**WHEREAS**, permit holders can then lease the permits to Oakland taxi companies, increasing the concentration of permits in a few companies; and

**WHEREAS**, the Oakland taxi companies can then lease the permits to drivers, creating two layers of cost before the permit is put to productive use; and

**WHEREAS**, the lottery system imposes no requirements on the utilization of the cab, except that it cannot be out of use for ten consecutive days; and

**WHEREAS**, replacing the lottery system with a system that issues permits on the basis of proposals that best fill the City's needs, as outlined in the request for such proposals, would provide a method of resolving problems and filling gaps in the system; and

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

**WHEREAS**, although the City controls the fares that drivers can charge, the City does not control the rates that drivers must pay to lease their taxis from taxi companies; and

**WHEREAS**, many drivers complain that the lease rates are too high for them to make a living without driving in excess of the hours allowed by law; and

**WHEREAS**, the companies counter that the lease rates are required for them to continue in business; and

**WHEREAS**, the City could not determine fair lease rates without more information on the finances of the companies; and

**WHEREAS**, a temporary freeze on raising lease rates would allow time for the study of company finances or for the establishment of lease rates that are mutually agreed upon by the companies and the drivers; now, therefore

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

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

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

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

**SECTION 4.** Oakland Municipal Code Chapter 5.12 is hereby amended to read as follows; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed:

Oakland Municipal Code Chapter 5.64 is amended as follows:

Chapter 5.64 TAXICABS

5.64.010 Title.

5.64.020 Findings and purpose.

5.64.030 Definitions.

5.64.040 Fleet management permit.

5.64.050 Vehicle permit.

5.64.055 Operating permit.

5.64.060 Spare taxicabs.

5.64.070 Driver permits.

5.64.075 Temporary driver permit.

5.64.080 Permit administration.

5.64.090 Insurance requirements.

5.64.095 Controlled substance and alcohol testing certification program.

5.64.100 Fare structure.

5.64.110 Public convenience and necessity.

5.64.120 Taxicab stands.

5.64.130 Taxicabs from other municipalities.

5.64.135 Violations

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

**5.64.010 Title.**

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

**5.64.020 Findings and purpose.**

The City Council of Oakland does find that:

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

**5.64.030 Definitions.**

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

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

~~"City Manager"~~ "City Administrator" means the ~~City Manager~~ City Administrator or his or her designee.

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

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

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

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

"Operating permit" means the permit, issued by the Chief of Police, which evidences that a vehicle designated by the Chief of Police 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.

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

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

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

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

**5.64.040 Fleet management permit.**

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

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

1. Proof that the fleet management permit applicant has insurance which satisfies the requirements of Section 5.64.090 and which is adequate to cover all vehicles permitted under the name and vehicle colors for which the applicant is responsible;
2. Designation of a manager to whom all correspondence and official notices may be directed and who is authorized to and is responsible for the conduct of all business with city officials charged with enforcing the provisions of the Chapter. The fleet manager is subject to the approval of the Chief of Police and shall be subject to the same requirements as permit holders under subsections E and F of Section 5.64.080;
3. Disclosure of the names, residence, and business addresses of the designated manager, all directors, officers, partners, and associates directly or indirectly holding a financial interest in the applicant and the proposed fleet management permit. A copy of the current, valid fictitious business name certificate under which the applicant does, or intends to do, business;
4. A complete description of the fleet's proposed operations, including a radio-dispatching service provided either by the applicant or another party under contract, including all licenses for the operation of all radios whether directly or by contract. Failure to operate according to the proposed terms shall be considered a violation of this chapter;
5. Authorization from the Chief of Police 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.
8. If the taxicab company, fleet or taxi service seeks to utilize two or more vehicles, except for vehicles driven solely by the holder of the applicable vehicle permit, proof that the vehicles utilized by the taxicab company, fleet, or taxi service are driven by employees of the taxicab company, fleet or taxi service.

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

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

E. 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 6.64.135;

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.

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

G. 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.

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

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

#### **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 Chief of Police.

B. Upon approval of written application, the holder of a vehicle permit may permanently transfer the permit to a substitute vehicle provided that all provisions of this chapter are met to the satisfaction of the Chief of Police.

C. Upon written application to the Chief of Police, the holder of a vehicle permit may transfer operation of his or her permit to a different fleet management permittee provided that written consent is first obtained from the new fleet manager and the Chief of Police. Vehicles transferring operations from one fleet management permittee to another are subject to inspection by the Chief of Police 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 Manager~~ City Administrator determines that such sale, assignment, or transfer is made to a proposed permittee who is in compliance with the taxicab operating requirements of this chapter. Vehicle permits may be assigned or transferred upon the payment of the vehicle permit transfer fee in the master fee schedule ~~or~~ and incidental to the sale or devise of the taxicab business with no consideration being exchanged for the permits. A vehicle permit transfer will not be recognized by the City unless and until all other requirements of this chapter for operating the vehicle have been met. However, nothing contained in this section is intended to impair a valid contractual obligation regarding the temporary transfer of interest in a vehicle permit if such contractual obligation was entered into prior to the effective date of the ordinance codified in this section. Whenever at any time after the initial issuance of permits to a business entity, or at any time after the entity was last required to evidence compliance under this provision, there has been in the aggregate a transfer of fifty-one (51) percent or more of the ownership interest in the entity, the entity may be required by the Chief of Police to evidence compliance with the taxicab permittee requirement of this chapter. A complete copy of each contractual agreement in existence at the time of the effective date of the ordinance codified in this section shall be provided to the Chief of Police within thirty (30) days.

E. Prior to the issuance of a vehicle permit, every applicant for a vehicle permit shall file with the Chief of Police a statement, giving the name, address, and telephone number of the taxicab fleet management permittee through which taxicab service is to be made available to the public pursuant to the permit for which application has been made. No vehicle permit shall be registered to more than one fleet management permittee. All outstanding permittees must file such a statement with the Chief of Police within thirty (30) days of the effective date of this chapter.

F. Any new vehicle permit issued and any existing vehicle permit which is transferred, assigned, or sold pursuant to this section on or after June 1, 2008 shall be subject to the following requirements: The holder of the permit or the employees of the permit holder shall drive the vehicle at least four (4) hours per day a minimum of seventy-five (75) percent of the days of the year.

FG. The Chief of Police shall issue a metallic medallion for each vehicle permit issued pursuant to this chapter upon compliance with the insurance requirements of Section 5.64.090. During all hours of operation of a taxicab the medallion shall be secured as designated by the Chief of Police and shall be clearly visible from the exterior of the taxicab. The medallion issued for any vehicle shall be surrendered to the Chief of Police at any time that the insurance for that vehicle does not meet the requirements of Section 5.64.090, or at any time the vehicle permit is suspended, and shall be restored to the permittee when proof of insurance is provided to the Chief of Police or evidence is provided to the Chief of Police that the condition(s) giving rise to the suspension has been corrected. Every taxicab permit holder shall pay the city a sum to cover the cost of producing and processing each such metallic taxicab medallion as may be issued to him or her. Such fees shall be paid at once, upon issuance, in an amount set in the master fee schedule; provided, however, that such medallions may be transferred between vehicles in accordance with the provisions of this chapter. Any out-of-service taxicab or spare taxicab vehicle with a permit from the city which is driven on the city streets and ways shall display such sign or signs as shall be designated by the Chief of Police indicating that such vehicle is out of service. (Ord. 12340 § 1 (part), 2001; Ord. 12100 (part), 1998; Ord. 12034 § 1 (part), 1998: prior code § 5-29.5)

#### **5.64.055 Operating permit.**

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

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

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

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

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

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

1. Any door, window, hood, or trunk which fails to open or close securely;
2. Peeling defaced, or improperly repaired exterior decals, lettering or numbering;
3. Exterior paint or color schemes which are different from those approved by the Chief of Police pursuant to Section 5.64.040(B)(5) or which are not maintained in the condition originally approved by the Chief of Police;
4. Dirt, broken fixtures, or other conditions in the passenger compartments which could soil or tear a patron's clothes;
5. Rust, dents, or tips in the vehicle's exterior which are more than trivial, or missing components, including, but not limited to, chrome, rubber strips, or other component parts which might snag tear, or injure a driver, pedestrian, or passenger. Any such damage will be considered to be more than trivial when single or multiple areas of damage affect an aggregate area of at least three linear feet of the cab exterior. The measurement of each damaged area will be taken between the two most widely spread points of the affected surface;



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

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

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

9. Re-tread tires

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

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

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

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

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

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

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

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

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

6. Within one year of the adoption of this ordinance, a global positioning system (GPS) capable of generating point-to-point directions shall be available and functional in the vehicle at all times. Prior to the availability of the GPS system, all vehicles shall carry complete maps of Alameda County.

57. 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 Chief of Police. A vehicle permittee shall be issued a decal for each vehicle upon full completion of the annual vehicle permit renewal and vehicle inspection.

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

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

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

H. Operating permits shall be renewed annually on a date to be set for each permit by the Chief of Police; provided, however, that the renewal date so set shall be within ninety (90) days from the calendar anniversary of the date on which the vehicle was last inspected and passed. Such renewal date shall also be within thirty (30) days of the date

the registration for that vehicle is renewed with the California Department of Motor Vehicles. (Ord. 12340 § 1 (part), 2001; Ord. 12034 § 1 (part), 1998)

#### **5.64.060 Spare taxicabs.**

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

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

C. Spare taxicab authorization orders issued by the Chief of Police shall activate all spare taxicab permits and shall be given in writing and filed with the ~~City Manager~~ 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 Manager~~ 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 Chief of Police under the standards set forth in section 5.64.055 and also shall be subject to spot inspections under the provisions of Section 5.64.055E.

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

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

#### **5.64.070 Driver permits.**

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

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

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

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

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

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

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

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

All persons driving taxicabs shall wear their driver's badge, provided by the fleet management permittee as set forth in Section 5.64.040(D), on their most outer garment and in a clearly visible fashion.

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

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

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

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

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

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

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

L. Drivers shall treat passengers and regulatory personnel courteously.

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

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

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

~~N~~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.

**OP.** 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.

**PQ.** 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 Chief of Police shall be notified within ten days of the termination of employment of any permitted driver, and the driver permit must be returned to the Chief of Police.

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

#### **5.64.075 Temporary driver permit.**

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

#### **5.64.080 Permit administration.**

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

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

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

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

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

D. The Chief of Police shall have the discretion to impose the penalties specified by this chapter or to revoke or suspend the any permit issued under this chapter of any taxicab driver 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 Chief of Police pursuant to the provisions hereof, or violations of the California Vehicle Code, or violations of pertinent federal, state, or local laws. Such hearings shall be noticed and held pursuant to Sections 5.02.080, 5.02.090, and 5.02.100 of this code.

E. Vehicle, operating or fleet management permits issued under the provisions of this chapter may be revoked or suspended according to the provisions of Sections 5.02.080, 5.02.090, and 5.02.100 of this code. Any vehicle permit that is not used in Oakland for a period of ten consecutive days more than ten (10) days in any thirty (30) day period may be revoked pursuant to the foregoing sections unless good cause for abandonment is shown. Any permit revoked under this provision may be reissued by the City Manager City Administrator, awarded upon criteria established by a Request for Proposals (RFP), in an order determined by lot after one hundred twenty (120) days.

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

G. If, in the judgment of the Chief of Police, 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 Police Department's Taxi Unit and to give written notification of any changes thereof to such Taxi Unit within ten calendar days thereof.

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

#### **5.64.090 Insurance requirements.**

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

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

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

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

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

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

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 Chief of Police is authorized to impose additional requirements for the form or content of any insurance policy, provided the additional requirements are not inconsistent with or prohibited by the provisions of this chapter or with state law.

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

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

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

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

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

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

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

**5.64.095 Controlled substance and alcohol testing certification program.**

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

**5.64.100 Fare structure.**

A. Rates, fares, and charges for taxicabs and taxicab service shall be as set by the City Council by ordinance. Effective ~~January 1, 1992~~ July 1, 2008:

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

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

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

D. Upon a determination by the City Administrator that a gasoline surcharge is warranted due to the cost of gasoline, a surcharge of \$1.00 per trip will be put in effect for a ninety (90) day period. A sign at least five (5) inches by seven (7) inches shall be posted in the interior of each taxicab, stating the amount of the surcharge, the beginning and ending dates, the section of the Oakland Municipal Code upon which the surcharge is based, and a phone number to call to confirm the validity of the surcharge.

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

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

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

#### **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 Manager~~ City Administrator shall hold public hearings before November 1, 1998 on the number of taxicab permits for which public convenience and necessity exist, and hold hearings on each successive second anniversary thereafter. ~~The City Manager~~ 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 Manager~~ City Administrator.

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

#### **5.64.120 Taxicab stands.**

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

#### **5.64.130 Taxicabs from other municipalities.**

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

**Violations**

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_