

Report of the Study Subcommittee of the Public Transportation Review Board

Submitted To: The Public Safety Committee

From the Study Subcommittee by: Robert J. Bauman, Chair
Public Transportation Review Board (PTRB)
PTRB Study Subcommittee

Communication File Number 130516

November 7, 2013

The following Report of the Study Subcommittee of the Public Transportation Review Board is submitted to the Public Safety Committee and Common Council as directed in Common Council Resolution File Number 130172.

Members

The members of the Study Subcommittee included Assistant City Attorney Adam Stephens, representing the City Attorney's Office, Ald. Terry Witkowski in his capacity as Chair of the Public Safety Committee, and the following 4 members of the Public Transportation Review Board: Mariano Schifilacqua, Don Natzke, Terry Radtke and John Doherty.

Charge to the Study Subcommittee

The Study Subcommittee was directed in File Number 130172 to investigate and report on the following:

1. Matters relating to the provision of taxicab service in the city and the licensing and permitting of taxicabs and taxicab companies and affiliations in the city.
2. Identification of practices, programs and regulation for improving taxicab service and recommendations for the implementation of improvements and the licensing and permitting of taxicabs, taxicab affiliations and companies.
3. Recommendations about increasing the numbers of taxicab permits issued by the City, addressing proposals to increase the numbers of current permits by a minimum of 100, or by removing limitation on the number of permits that may be issued, and providing a detailed proposal relating to the manner in which the recommended increase may be accomplished.

Meetings of the Study Subcommittee

The Study Committee met on 3 dates: August 9, 2013, September 13, 2013, and October 11, 2013. Minutes of Study Subcommittee meetings appear in the Common Council Records.

In accord with Resolution File Number 130172, notice was taken of the reports, testimony and information received by the Taxicab Improvement Task Force and the Taxicab Review Board over the last 10 years.

The Study Subcommittee reviewed research and analysis conducted by the Legislative Reference Bureau (the Bureau report is attached to Communication File Number 130516).

Notice was also taken by the Study Subcommittee of the information, testimony and drafting alternatives contained in File Number 111222, the proposed legislation leading to the creation of the Study Subcommittee.

The Study Subcommittee also reviewed and discussed the opinion of the City Attorney related to version "Substitute 3", File Number 111222, which was held in the Public Safety Committee to the call of the Chair. Information was also received related to litigation currently on appeal challenging aspects of current ordinances which limit issuance of new taxicab vehicle permits and establish a mechanism for transfer of existing permits.

Recommendations of the Subcommittee

In the course of the final meeting of the Study Subcommittee on October 13, 2013, 3 alternative "Discussion Drafts" were reviewed.

Discussion Draft 1 included those provisions of File Number 111222 (Substitute 3) that the Study Committee determined should be retained following review of the opinion of the City Attorney's Office.

Discussion Draft 2 included several additional requirements for vehicle permit holders including requirements for preparation and submission of a plan of operation. Discussion Draft 2 also required submission of dispatch information to the City Clerk by those permittees that utilize dispatch services. The Legislative Reference Bureau is directed in this draft to review dispatch information and provide further recommendations for future legislation.

The Study Subcommittee recommends the provisions contained in Discussion Draft 3 which, in addition to the requirements included in Discussion Draft 2, proposes establishing a new sub-chapter of Chapter 100 that requires vehicle permittees to affiliate in fleets of 10 or more taxicab vehicles in certified taxicab affiliations. These affiliations must assure compliance by permittees and vehicle drivers with the requirements of the chapter including requirements for the collection maintenance and reporting of dispatch information.

The chief recommendations of the Study Subcommittee contained in Discussion Draft revising the ordinances relating to taxicab licensing and regulation are to:

1. Authorize the addition of 100 new taxicab vehicle permits and to provide for an annual review of the need for additional permits.
2. Establish requirements for taxicab permittees that include submission of detailed plans of operation and require affiliation with fleets of 10 or more taxicabs that provide dispatch services.
3. Require affiliations of 10 or more taxicabs to be certified as fleet affiliations.
4. Require fleet affiliations to provide citywide service on a 24-hour basis.
5. Require fleet affiliations to receive, maintain and report dispatch information, assure that affiliated permittees and vehicle drivers comply with requirements that include driver

training, driver appearance standards, vehicle inspection standards, written plans to assure passenger and driver security, rear-seat credit card payment capacity.

The scope of recommended changes reflected in Discussion Draft 3, particularly the addition of new requirements for certified taxicab affiliations and dispatch reporting, are beyond the scope of File Number 111222. The Study Subcommittee was advised that a new file has been opened, Number 130903, titled: "An ordinance relating to the licensing, permitting and regulation of taxicab operations and public passenger vehicles."

Detailed recommendations contained in Discussion Draft 3 recommended by the Study Subcommittee include:

1. Amending the definition of "taxicab" to clarify that a taxicab is a vehicle "which is available for hire upon demand for service including by hail on the street, or upon telephonic or other electronic request."
2. Repealing the limitation on issuance of new public passenger vehicle permits for taxicabs and authorizes the issuance of 100 new permits; annual review of the need for additional permits, if any, is recommended.
3. Authorizing the City Clerk to establish a process for accepting and processing completed applications using a lottery or other system as necessary to ensure orderly processing of taxicab permit applications. If a lottery is established, the city clerk may provide for a waiting list. A \$100 lottery participation fee is established. Not more than 2 lottery entries will be permitted during a single lottery.
4. Limiting issuance of new permits after November 1, 2014, to vehicles that, in addition to meeting all other requirements, either meet requirements for handicapped-elderly vehicles or provide passenger leg room of not less than (32) inches.
5. Requiring on and after November 1, 2014, that each permitted vehicle (new or renewal) be operated as part of a certified fleet affiliation consisting of a fleet of 10 or more in-service vehicles.
6. Creating a new subchapter in Chapter 100 titled "Public Passenger Vehicle Regulations" that provides for certification of taxicab fleet affiliations and sets minimum requirements for management and operation of taxicabs and dispatch services.
7. Requiring applicants for a new or renewal taxicab permit to file a detailed plan of operation.
8. Requiring surrender of vehicle permits upon failure to place a vehicle into service within 60 days of the date that permit issuance is authorized by the Common Council.
9. Requiring 2 inspections of permitted taxicabs be scheduled and conducted in the course of a permit year.
10. Transferring inspection responsibilities from the Police Department to the Department of Public Works.
11. Requiring that a person driving a taxicab under a permit file a copy of a certificate or other document attesting to completion of a driver training course offered by the Taxicab, Limousine

and Paratransit Association or its equivalent approved by the chief of police.

12. Requiring all permittees replacing taxicabs or placing new vehicles into service on or after April 1, 2014, to install rear seat swipe credit card processing equipment.

13. Directing the Legislative Reference Bureau to provide a report on or before April 1 of even-numbered years, including information about the numbers of permit applications made and permits issued, changes in the costs to the city incurred in processing applications and issuing new and renewal permits, factors affecting the availability, accessibility and safety of public passenger vehicles, and other information requested by the licensing committee. The first report due on or before April 1, 2014, will include:

- Information and recommendations related to further revisions to ch.100 addressing taxicab dispatch information and the reporting of other relevant statistics.
- The certification of taxicab affiliations and fleet operations on and after November 1, 2014.
- The implementation of fuel-efficiency standards by April 1, 2018.

14. Directing the City Clerk to prepare guidelines for information to be included in plans of operation and the types of information from dispatch services to be reported to the City Clerk including the manner in which reports are to be made.

The Study Subcommittee, except for the target date of November 1, 2014, for certifying taxicab affiliations and the dates for further reports by the legislative Reference Bureau, makes no specific recommendations for the dates or deadlines related to issuance of new permits, establishing and conducting a lottery, transferring responsibility for inspections and related deadlines. The Study Subcommittee recommends that these be developed as quickly as practicable and reviewed and approved by the Public Safety Committee for inclusion in new legislation or implemented as part of an approved plan of licensing, permitting and certification.