EXHIBIT NO. 1

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City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 11, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: COUNCILMAN ROB KRUPICKA
COUNCILMAN LUDWIG GAINES

SUBJECT: REGULATION OF THE ALEXANDRIA TAXICAB INDUSTRY

ISSUE: City Council consideration of an ordinance revising regulations for the Alexandria taxicab industry.

RECOMMENDATION: That City Council:

(1) Receive this report and accept the accompanying ordinance revising the City's taxicab regulations for introduction and first reading; and
(2) Schedule the ordinance for public hearing on May 14, 2005.

BACKGROUND: In May 2004, Council received a proposal for revising Alexandria's taxicab regulations based on the work of the Taxicab Industry Work Group. This proposal defined a framework for regulatory changes that would improve dispatch service in the City, increase competition in the industry and increase the mobility of taxicab owner/operators. At that time, Council members Krupicka and Gaines offered to work with industry representatives and staff to refine the proposed framework and seek consensus on key issues. In June and November of 2004, Council reviewed updated framework proposals, and provided feedback and additional guidance on the proposed regulatory changes.

On January 25, 2005, Council received a revised framework proposal. At that time, Council identified a number of desired changes in the revised plan, and directed the City Attorney and staff to prepare amendments to City Code implementing the proposed framework. The City Attorney and staff are now submitting to Council a proposed ordinance adopting revised code provisions for the regulation on the taxicab industry in Alexandria based on the January 25, 2005 framework plan.

DISCUSSION: During preparation of this ordinance, Council members Krupicka and Gaines along with staff continued to work with representatives of Alexandria's taxicab industry and consumer groups to resolve the many details of this ordinance, address concerns that were raised and seek broader consensus on the proposed regulations. Concurrent with distributing the initial

draft of this ordinance to Council on March 18, 2005, it was also distributed to industry and consumer groups for review and comment. The feedback received on the initial draft was thorough and constructive, allowing revisions to be made that addressed many of the concerns that were raised. These comments and the related staff responses are attached for Council information (Attachment 1).

While continued discussions with the industry and its feedback on the initial draft ordinance did resolve many outstanding concerns with the proposed regulatory changes, complete consensus was not reached. Several key issues remain for Council determination, including:

(1) The percentage of owners (drivers) that may have the authorization under which they operate transferred to another company each year.
(2) Limits on the maximum size of any company and the maximum size of merging companies; and
(3) Inclusion of dispute resolution requirements.

These issues are reviewed in greater detail in the remainder of this discussion.

Transfers of Drivers and Authorizations

The question of what percentage of owners (drivers) will be allowed to transfer the authorization under which they operate to another company each year is the most controversial issue to be resolved Considerations relative to this issue include driver mobility, improved dispatch service and industry stability.

The proposed ordinance limits the net loss of authorizations for any one company that results from driver transfers to 10 percent of its total authorizations. In years when a new company is been authorized, this is increased to 15 percent. Based on dispatch service requirements and actual performance, maximum and minimum company sizes are established on a company-by-company basis that may reduce the maximum net loss for a company that is providing exemplary dispatch service, thus reducing the overall industry mobility level to less than 10 percent.

An example of this process is presented in the table below. In this example, the 10 percent maximum net loss criterion resulted in an 8 percent overall mobility level. Companies with high dispatch call volumes relative to their number of cabs have correspondingly lower risk of losing cabs.

Company	Current Number of Cabs	Dispatch Call Volume	Limits Based on Dispatch Calls / Cab		Applying 10% Maximum Net Loss		Net Possible Loss of Cabs	
			Minimum	Maximum	Minimum	Maximum	Number	Percent
A	250	1550	235	300	235	300	15	6%
B	200	500	76	250	180	250	20	10%
C	100	600	91	300	91	300	9	9%
D	75	150	20	75	67	75	8	10%
Total	600	2800					52	8%

This process could be adjusted to ensure a 10 percent overall driver mobility level by increasing the maximum net loss criterion to achieve the desired overall mobility level. The table below illustrates this modified process for the same example. In this case, it was necessary to increase the maximum net loss criterion to 13 percent in order to achieve the desired 10 percent overall mobility goal; however, companies with high dispatch call volumes relative to their number of cabs have lower risk of losing cabs.

Company	Current Number of Cabs	Current Dispatch Volume	Limits Based on Dispatch Calls / Cab		Applying 13% Maximum Net Loss		Net Possible Loss of Cabs	
			Minimum	Maximum	Minimum	Maximum	Number	Percent
A	250	1550	235	300	235	300	15	6%
B	200	500	76	250	174	250	26	13%
C	100	600	91	300	91	300	9	9%
D	75	150	20	75	65	75	10	13%
Total	600	2800					60	10%

While there are certainly other processes by which a desired level of driver mobility and authorization transfers could be achieved (for example a simple "across the board" 10 percent maximum loss), staff feels that dispatch requirements and company performance levels are important considerations that should be included. In these examples, a minimum dispatch call volume standard of two calls per cab was used to establish the maximum size to which a company would be permitted to grow as a result of transfers. The minimum sizes were based on the number of dispatch calls actually being served by the companies' drivers, thereby reflecting their city-based service, with higher performance levels earning proportionately lower levels of risk for loss of authorizations.

Limits on Company Size and Mergers

This issue has been discussed with Council previously and viewpoints remain divergent on whether or not these limits are needed and, if so, what they should be. Considerations relative to this issue include competition within the industry, enhancing public service by having multiple companies delivering good dispatch service and providing opportunity for new companies to be formed.

The proposed ordinance limits the maximum size of any company to 50 percent of the total number of cabs authorized to operate in the city and the maximum size of companies that merge to 40 percent of the total number of authorized cabs at the time of merger. These limits have been discussed extensively; however, no clear consensus has been reached. Staff feels these limits are needed during the industry transition period that will follow adoption of any new regulations. The 50 percent limit on company size will increase the likelihood that at least one company with strong dispatch service capability will emerge to serve city needs. Competition among companies with strong service would benefit taxicab services throughout the city. The 40 percent limit on the combined size of merging companies provides opportunity for the merged business to grow by attracting additional drivers, thereby ensuring competition among companies for drivers. However, recognizing that these limits may well be unnecessary after transition to the new regulations, the proposed ordinance includes "sunset" provisions for both of these

company size limits. Specifically, these limits will sunset 30 months after adoption of these revised regulations unless an affirmative finding is made at that time that their continuation is necessary to serve the public interests.

Dispute Resolution Requirements

Included in the proposed ordinance is a required dispute resolution process to resolve differences between companies and their affiliated drivers. This process, first presented to Council in June 2003, specifies a dispute resolution procedure based on guidelines of the American Arbitration Association. Considerations relative to this issue include fair resolution of differences between companies and drivers arising from their individual business relationships and reducing the city's regulatory burden.

City staff is frequently asked to resolve disputes that arise between companies and one or more affiliated drivers on matters related to their business relationship. In fairness to all, these disputes should be resolved equitably; however, the city's involvement should be limited to matters of regulation. Some companies report that they currently provide a dispute resolution process as part of their contracts with drivers. Others argue the city should not regulate internal business practices such as this, or should provide flexibility to allow the process to be tailored to better meet their needs and those of their drivers.

Ideally, dispute resolution would be a matter left entirely to the companies and drivers. However, experience indicates that not all companies currently provide a dispute resolution process in their contracts with drivers, and practices vary significantly among those who do. Moreover, many company / driver affiliations are not based on written contracts, thus resulting in even greater disparity in practices. Although not included in the proposed ordinance, Council may wish to consider resolving this issue by retaining a code requirement for a dispute resolution process and permitting companies to adopt, subject to approval, an alternative process for what is now specified in division 7 of the proposed ordinance.

Other Outstanding Issues

In addition to the key issues previously discussed, other concerns may arise during discussion and debate of this proposed ordinance. In most cases, staff feels these concerns were adequately addressed during final drafting of the proposed ordinance, as indicated in the staff responses to comments on the initial draft ordinance. However, additional concerns may be presented to Council on the following issues.

(1) Penalties for taxicab code violations and due process related to appeals;
(2) Confidentiality of information and requests submitted to the City;
(3) Submission of data and information to the City; and
(4) Posting and filing of company stand dues and disciplinary rules.

Conclusion

We believe the proposed ordinance faithfully implements the spirit and intent of the regulatory framework presented to Council on January 25, 2005. It has been modified in some areas to address issues and concerns that were raised during drafting; however, the underlying framework remains intact. We look forward to discussion and final resolution of the remaining issues, and adoption of this ordinance.

FISCAL IMPACT: The revised regulations require at least one new Hack Inspector and a clerical employee, as well as automating record keeping in the Hack Inspector's Office, the costs of which are included in the proposed FY 2006 budget. The revised regulatory plan calls for the costs of regulation to be offset by industry fees and charges.

ATTACHMENT: Comments and Responses on Draft Taxicab Ordinance

STAFF:
Richard J. Baier, P.E., Director, Transportation & Environmental Services
Thomas H. Culpepper, P.E., Deputy Director, Transportation & Environmental Services
Ignacio Pessoa, City Attorney

Comments and Responses on Draft Taxicab Ordinance

ARTICLE A: Taxicabs

DIVISION 1: Generally

Sec. 9-12-1. Definitions.

Alexandria Yellow Cab (AYC)

Note: AYC distinguished their most significant comments with a double asterisk.

** Section 9-12-1. Definitions. Although repeatedly discussed and despite this being the most important element for the taxi industry, there is no definition of dispatch. "Dispatch" should be defined to mean "instantaneous communications to multiple drivers in a zone [not a phone caller to drivers in series] with actual pick up by that company or by some other company within 15 minutes for 90% of the calls."

Note: If there is to be any enforcement and integrity in the new system, then the call volume and response times must be supported by accurate, verifiable information capable of being cross-referenced to driver manifest information; and the information will have to be actually collected and analyzed by staff on a periodic basis.

Staff Response: The following definition has been added to section 9-12-1:

Dispatch Service. Provision of taxi service in which requests for taxicab service are received at a central facility by telephone or in person and communicated to drivers via two-way radio or broadcast data service with equivalent functionality, resulting in the delivery of service to the requesting party.

Alexandria United Taxi Operators (AUTO)

Comment: Subsection (17) defines the term "taxi services" and provides that it is the operation of a motor vehicle . . . accepting passengers for . . . transportation or "for hire." The term "for hire" is undefined in the revised code. There is a definition of "for hire" in the current code.

Recommendation/Question: Do taxicabs in VA readily operate "for hire"? Is it necessary to define "for hire" vehicles? What does this mean for sedan service?

Staff Response: Staff does not feel additional definitions are necessary. The term "for hire" is sufficiently understood. Sedan services are regulated by the state Corporation Commission.

Sec. 9-12-2. Compliance with article

Alexandria United Taxi Operators

Comment: Subsection (b) contains new language stating that any person who violates any provision of the article will be guilty of a class 2 misdemeanor, unless another penalty is expressly provided.

Recommendation/Question: Criminal penalties do not exist under the current code. If a company or driver does something that rises to the level of a criminal activity, there are laws in place to deal with it. There's no need to place it in the taxi code. Most area jurisdictions have only civil penalties. AUTO recommends striking the criminal penalties here and throughout the code.

Staff response: Taxicab offenses are class 1 misdemeanors under existing law. This provision reduces the level of offense.

Sec. 9-12-6. Insurance or bond required.

Alexandria Yellow Cab

Section 9-12-6(a). Insurance. Amend to clarify that the taxicab owner, not the company, is required to file insurance policies. "Every taxicab owner for which . . ."

Staff response: The suggested change has been made in section 9-12-6(a).

Alexandria United Taxi Operators

Comment: Subsection (a)(1) increases the liability insurance for a taxicab to $500,000. Under the current law it is $450,000.

Recommendation/Question: This has never been raised before and should remain at $450,000.

Staff response: Insurance coverage limits were increased to reflect current practice in the industry. These minimum coverage limits have not been updated for many years.

DIVISION 2: Certificates of Public Convenience and Necessity

Sec. 9-12-22. Initial application for a certificate.

Alexandria United Taxi Operators

Comment: Subsection (b)(6) provides that an application must include the "description of the type of service to be provided including the geographic area of the city to be served." This is a new provision.

Recommendation/Question: Clarify if the two possible geographic areas are a) the entire City of Alexandria and b) National Airport.

Staff response: National Airport is not located within the City of Alexandria. All companies must provide dispatch and taxi stand service within all or part of the city.

Comment: Subsection (d) requires "criminal prosecution" of applicants who provide false or misleading statements. Criminal prosecution is not required under the current code.

Recommendation/Question: See above – AUTO believes it should remain w/ civil penalities.

Staff response: Submitting false information to the city is a class 1 offense under current law. This subsection simply restates existing law.

Comment: Subsection (a) allows a person to apply for a CPNC on or before May 1 of each year.

Recommendation/Question: How soon after the effective date of the code will a person be allowed to apply for a certificate; May 2005 or May 2006?

Staff response: This change permits applications to be received at any time during the year; however, to be considered during the annual review process, applications must be received by May 1. The first annual review based on the full revised code will take place no sooner than 18 months after adoption. With timely adoption of a revised code, this will take place in fall 2006. Applications received by May 1, 2005 may be considered during the 2005 review; however, the proposed driver mobility provisions will not yet be in effect.

Sec. 9-12-23. Fees

<u>Alexandria United Taxi Operators</u>

Comment: This section allows the fees for CPNC to be established by regulation. Under the current code there are set fees for CPNC.

Recommendation/Question: AUTO would like a set schedule of fees which may be review every two years when fares are reviewed.

Staff response: Fares and industry fees are to be reviewed every two years as provided in section 9-12-31(g) and a schedule of fees will continue to be available. Until a review is completed, the fares and fees in the current code will remain in effect. Fees were incorporated in regulations to simplify implementation of revisions and to combine the setting of fees and taxicab fares into an integrated process.

Sec. 9-12-25. Determination of public convenience and necessity; issuance of certificate.

Alexandria United Taxi Operators

Comment: Subsection (a) provides that the applicant has the burden of demonstrating "by clear and convincing evidence" that the public convenience and necessity require the operation of a new taxi cab company and the authorization of additional taxicabs. Under the current code, there is no "clear and convincing" standard.

Recommendation/Question: AUTO wants the standard of proof to be a "preponderance of the evidence" standard which is an easier burden to meet. The standard for mergers of companies is not identified but it too should be a "preponderance of evidence." (See comment for Section 9-12-29 below)

Staff response: Subsection (a) has been revised to eliminate the phrase "clear and convincing."

Comment: Subsection (f) provides that the city manager may grant the CPNC and approve the number of taxicabs requested or approve a lesser number of taxicabs requested.

Recommendation/Question: AUTO understands that the number of authorizations under the certificate will be modified each year based on the driver attrition and movement. Where is this within the revised code? This is critical is companies are to grow and shrink based on their performance and ability to attract drivers.

Staff response: The process for annual modification of the certificate is included in section 9-12-31. The annual allocation is based on the number of dispatch trips provided in the proceeding year and driver movement. Section 9-12-26(b) has been revised such that certificates expire on December 30 of each year. Renewed certificates will reflect any changes in authorizations that result from the annual review process.

White Top Cab

9-12-25(b) Proposed change would add the word "completed" to line 6 to read ...Upon receipt of a completed application....

Staff response: This change has been made.

Add additional language "No application shall be considered completed unless all of the information in Sec. 9-12-22 and 9-12-32 has been provided."

Staff response: This change has been made.

Sec. 9-12-27. Renewal of certificate.

White Top Cab

Why must the certificate holder file for renewal? It just adds additional paperwork on the certificate holder and the City.

Staff response: Certificate renewal is contingent on the certificate holder continuing to meet the requirements of section 9-12-32. Renewal is not automatic, certificate holders must apply for renewal each year and demonstrate continuing compliance with code requirements.

Sec. 9-12-29. Sale or transfer of certificates of public convenience and necessity; transfer of company control

Alexandria Yellow Cab

Section 9-12-29(b)(3). Regarding no mergers if more than 40% of the certificates. We recommend deleting this or increasing it to 50%. If one company can grow to be 50%, why limit growth by mergers to 40%? Such limits artificially limit the ability of the smaller companies to reorganize themselves into a truly viable dispatch operation to be competitive with AYC.

Staff response: The purpose of this merger limitation is to leave the merged company with the ability to grow, which can be done by attracting additional drivers. This will help maintain competition for drivers among the companies. If a merger of companies put the merged company at the 50% limit, they could not attract additional drivers during the annual review process, thus undercutting the driver mobility goal.

This merger limitation and the overall limitation on maximum company size are intended to encourage development of multiple dispatch companies within the city and create a competitive dispatch service environment. Recognizing that the need for these limitations will likely diminish after the industry transitions into a competitive dispatch environment with multiple dispatch companies, sunset provisions have been included that will remove both of these limitations after 30 months unless a determination is made that their continuation is necessary to best serve the public interests.

Alexandria United Taxi Operators

Comment: Subsection (b)(1) states that the applicant has the burden of demonstrating that the merger or transfer will serve the public interest. The revised code does not include a standard of proof as it does in 9-12-25(a) (see above comment).

Recommendation/Question: There is no specified standard of proof for mergers. Presumably the standard is preponderance of the evidence. Transfers by drivers should be treated in a similar manner.

Staff response: See previous response regarding burden of proof.

White Top Cab

The merger of two known companies and the transfer of control to an unknown entity are two very different issues. The City has a record with a known company. A new entity should be subject to all of the criteria for a new company.

Staff response: The sale of a company addressed in this section involves the sale of the company's ongoing operations – call center, affiliated owners, etc. – and thus the company's operations are not unknown. However, the acquiring owners of an existing company must show the same qualifications as the prospective owners of a new company.

Why can a company that is a product of a merger be only 40% of the total taxicabs, why on going companies can be 50% of the taxicabs per 9-12-32. This is not equitable to treat the two differently- the percentages should be the same.

Staff response: See previous response to AYC comment.

The percentage should be of active owners of each company, not of all the active owners. As written all 10% could come from one company.

Staff response: This stipulation has been changed. Under proposed section 9-12-31, the number of cabs that a certificate holder could lose in any one year would not exceed 10% of their existing number of cabs (or 15% if a new company is approved to enter the market).

The 10% percent is too high - 2% is a more viable number. We believe that permitting up to 10% of the active drivers to move their certificate annually from one company to another is too high. As written, this provision would allow 64 drivers to leave White Top for lower stand sues offered by another company. This is not a perceived fear - but a real one. White Top has lost several drivers in the past months because Diamond lowered stand dues to $40.00 to attract White Top drivers. While we understand the lure of the lower stand fees, we cannot operate our dispatch service without a mass of drivers.

Staff response: The proposal would not allow 64 drivers to leave White Top. White Top would lose at most 12 authorizations (10% of the total at the company) or 18 (15% of the total) if a new company is authorized under section 9-12-31.

Furthermore, it should not be assumed that White Top would lose any authorizations to other companies due to lower stand dues. All companies will be required to provide "real" dispatch service and will bear the costs thereof. Thus, no company will be able to attract drivers with cut-rate stand dues that do not reflect the costs of dispatch. In this way, the proposed code establishes a level playing field for all companies.

Also, note that under section 9-12-31, companies that currently serve few if any dispatch trips will <u>not</u> be able to accept <u>any</u> additional authorizations. Only companies with meaningful dispatch call volumes will be able to increase their number of authorizations, but will have to do so based on stand dues that reflect the costs of viable dispatch service.

We believe that no more than 2% of drivers from any one company should be permitted to have their certificates transferred each year. Overall this will accomplish the 10% movement but limit the impact on any one company to 2%. A 2% transfer rate allows a company to remain viable; a 10% rate does not.

Staff response: Transferring two percent per company would not yield a ten percent industry-wide transfer as stated, it would yield a two percent industry-wide transfer. Under section 9-12-31, the 10% maximum loss of authorizations by any one company (15% if a new company is being issued a certificate) would occur only if that company does not have the call volume to support its current authorizations or is unable to attract drivers during the transfer process. Companies that have sufficient call volume for current authorizations would not necessarily experience any net lose.

Sec. 9-12-30. Amending Certificates of Public Convenience and Necessity

Alexandria Yellow Cab

** Section 9-12-30(b)(2). We are opposed to 10% of the drivers being eligible to transfer each year as part of the annual review. Because the certificates will follow the driver in this situation, this high a percentage will create instability for companies, especially the smaller companies; and it will inhibit their willingness to invest in equipment and personnel for dispatch.

Staff response: Companies will not have a choice about "willingness to invest in equipment and personnel for dispatch." All companies will be required to provide real dispatch service as previously discussed. Companies not large enough to underwrite the costs of a dispatch operation may need to consider alternatives such as merger or shared resources, as is currently the case. In reality, the existing smaller companies have the personnel and equipment for dispatch; the current low call volumes at these companies is not believed to be a result of lack of equipment, personnel or investment.

There is another impact of a 10% matrix – namely, that it means there will be no sale of Diamond to White Top, which has been under discussion for some time. That sale would be in the public interest in that it would result in two similarly sized cab companies competing in the market place. We, therefore recommend no more than 2% or 3% as the number eligible to transfer each year.

Staff response: Staff is not privileged to any specific information regarding negotiations for the sale of Diamond Cab to White Top; however, it is understood that such are in progress. It is not clear from this comment why 10% mobility would preclude this sale, unless the parties have simply agreed to this as a condition of sale. It should be noted however that there is an 18-month phase-in period prior to any company losing any authorizations. Thus, were there to be a sale of Diamond to White Top, White Top would have a considerable period of time to build its dispatch call volumes, thereby reducing or eliminating its risk for lose of authorizations.

Additionally, it has not been demonstrated, nor does it appear reasonable, that a company with 216 cabs is financially viable while a company with 194 cabs (10% less) is not. White Top currently has 116 cabs and appears to be financially viable.

Furthermore, there need to be specifications for driver "eligibility" to seek transfer as part of the annual review. The purpose is to promote and ensure dispatch service by both

drivers and companies. If 2% or 3% are eligible to move each year, as we recommend, eligibility should be based on the following: 1) the driver must be "paid up" with the existing company at the time of application and time of actual transfer, 2) the driver must have met threshold dispatch service requirements [average of one dispatch call per day in the year preceding the first year of a transfer, average of two calls per day in the next year, etc.], 3) the new company must agree to accept that driver, and 4) the new company must have met threshold dispatch service requirements [company average for all drivers – one dispatch call per day per driver in the year preceding the first year of a transfer, average of two calls per day per driver in the next year, etc.].

If a higher percentage (5% or 10%) is eligible to transfer, then you could mitigate the problems discussed above if you increase the number of dispatch trips for each driver and receiving company accordingly. In other words, if 5% are eligible to move, then to be eligible, a driver should be required to have averaged 3 dispatch calls per day; and the new company should be required to have averaged 3 dispatch calls per day per driver. If 10% are eligible to move, then the driver should have to have averaged 5 or 6 calls per day, and the new company should have to have averaged 5 or 6 calls per day per driver.

To repeat what has been said earlier, for any of this to be meaningful, the City will need to consistently obtain and analyze the required data from drivers and companies; and it will have to vigorously enforce the rules.

Staff response: Section 9-12-31 includes provisions that tie the number of drivers that a company can lose to their dispatch call volumes, which is arguably consistent with the underlying basis of this suggestion. However, the process that is recommended is considerably more complex that what is currently proposed, significantly increasing the regulatory effort required to manage the transfer process.

Alexandria United Taxi Operators

Comment: Subsection (b) (2) provides that a taxi owner may apply for a transfer of his/her affiliation with a company no later than August 1. It does not say when the transfer may begin. AUTO believes that the processing of these applications should be completed within 30 days and drivers should be notified by September 1 of each year. Also all applicants should remain confidential until they are notified. Applicants who are denied should also remain confidential to avoid retaliation.

Staff response: The timeline has been revised to better integrate transfer requests into the annual industry review process. Under the revised timeline, requests for transfers must be submitted by November 15 rather than August 1. Final determinations are made by December 15 and become effective January 1.

Confidentiality cannot be guaranteed as materials submitted to the city may be accessible under the Freedom of Information Act. However, the revised timeline for annual review and certificate renewal minimizes the amount of time between submission of a transfer request and its approval or disapproval.

Also, this section provides that only 10% of the active taxi owners may move in any year. If more than 10% submits applications, the city manager must use a lottery to determine which applications will be processed.

Recommendation/Question: Driver movement is a fundamental economic human right. It is also required to develop a competitive system to better serve the public. A standard needs to be set that gives drivers a real chance to move (at least every 5 years). We recommend that 20% be stipulated as the percent of drives allowed to move each year. Furthermore, we have requested that seniority (not a lottery) be the basis for deciding who gets priority if more than 20% of drivers apply to move. Once drives move they would go to the bottom of the list for two years.

Staff response: Under section 9-12-31 there is actually no limit to the number of drivers who can move in any one year. In theory (although in practice this would not likely occur), all drivers could change companies each year. Moreover, the proposed revisions do not prevent owners from changing companies at other times during the year as they do currently. The proposed code limits the net number of authorizations that companies could lose based on each company's volume of dispatch calls. The need to adequately serve the public with reliable dispatch service must take precedence over allowing an arbitrary number of drivers to move in any given year.

A seniority-based approach as suggested by AUTO (using the driver permit number to approximate seniority) is acceptable to staff provided other industry groups concur with this alternative.

Sec. 9-12-31. Annual review of taxi industry.

Alexandria Yellow Cab

** Section 9-12-31(d)(3). Annual review. Among the factors to be considered by the Board regarding the number of vehicles, there should be no consideration of the ability of drivers to earn a living wage, unless you are also going to require income tax and other financial information from drivers; without such information, all discussions will be anecdotal, speculative, rhetorical and largely meaningless. Furthermore, if you require it of drivers, then there would be greater inclination, on fairness grounds, to require similar information from companies. In truth, it is probably wise to stay out of the income and financial affairs of any parties unless you intend to increase staff by substantial numbers. The City should focus its attention and resources on the delivery of services to the public, and not on the business operations and financial affairs of the companies and drivers.

Staff response: Based on driver manifests and trip data reported by companies, it will be possible for the city to reasonably estimate driver incomes. No figures will be precise, nor is there a need for determination of individual driver incomes. However, it is an important public policy objective that drivers have reasonable opportunity to earn a livable wage, both for fairness to drivers and for companies to attract and retain a qualified workforce. Driver income and the stand dues they pay are both important considerations in determining rates of fare the cost of service. It is both important and realistically possible for the city to consider driver income in regulating the taxicab

industry, as many cities already do. Moreover, providing reasonable opportunity to earn a living wage is a clearly established city interest.

Section 9-12-31(g). Fares should be reviewed during each annual review, and not limited or restricted to once every two years.

Staff response: There is unlikely to be a need for annual fare increases. A biannual review is more workable and satisfies the need in this area. If warranted by unusual or extraordinary circumstances, emergency fare reviews can be conducted.

Alexandria United Taxi Operators

Comment: Subsection (a) requires the Board and the city manager to conduct of review of the taxicab industry between September 1 and October 30. Under the current code, the review is to be conducted between July 15 and October 15. Also, the Board is currently required to conduct hearings and present its conclusions and recommendations to the city manager.

Recommendation/Question: What does "individual and cumulative effect of the transfer" mean? This says nothing about what specifically will be considered. Need to flesh this out.

Staff response: This language has been revised. The industry review and certificate renewal timeline has been adjusted to permit the board to conduct hearings and prepare its recommendations to the city manager, and for the city manager to make final determinations and act on transfer requests in advance of renewal of certificates at the end of the calendar year.

Considerations with regard to "individual and cumulative effect..." are the public interests, competitive environment and economic conditions of the industry.

Comment: Subsection (e) outlines factors the Board and city manager must consider in reviewing a taxicab owner's application to transfer affiliation – "the individual and cumulative effect of the transfer" on the certificate holders, applicant and other drivers.

Staff response: See previous response.

Recommendation/Question: There needs to be some language saying that the transfers shall not be unreasonable denied: proposed language is too vague and subjective.

Staff response: The language has been modified such that the city manager will approve transfer requests to the extent possible given the minimum and maximum size of each company established based on dispatch trip volumes (section 9-12-31(e)).

White Top Cab

The information on the driver's income is going to be very difficult to obtain so these measurements are going to be impossible to make.

Staff response: See previous response.

Sec. 9-12-32. Requirements for certificate holders

Alexandria Yellow Cab

Section 9-12-32(b). Clarify that radio dispatch is to be provided in the City, not that the dispatch facility must be located in the City.

Staff response: The word "located" has been deleted to clarify this requirement.

** Section 9-12-32(c). The minimum level of service should be specified in this ordinance and not left to regulation. This is a critical piece for whether the proposed system will ensure dispatch for the citizens, especially those hardest to serve – the elderly, the disabled and those living in poor neighborhoods. For our recommended service levels, see discussion in Section 9-12-30(b)(2) above.

Staff response: It will be up to the Council to decide whether to specify service levels in code or regulation. In either case, the established service standards will be readily enforceable. Placing these performance standards in regulation will enable the city to better manage and adjust these standards to reflect changing industry conditions, maintain competition and provide improved public service. The service level proposed is consistent with the standards set forth to Council in January, specifically serving 90% of customers within 30 minutes and 80% within 15 minutes, and maintaining a minimum of two dispatch calls per authorized cab on a daily basis.

Section 9-12-32(f). Regarding handicap accessible vehicles, delete the last word, "only," since it will be difficult for a driver to only use the vehicle for that limited purpose.

Staff response: This comment appears to result from a misreading of this provision. The word "only" does not apply to the type of trips that may be served, but the type vehicle. Vehicle permits issued for a qualifying accessible vehicle cannot be transferred to a nonaccessible vehicle.

Section 9-12-32(h). Revise to state: 'Provide an alternative dispute resolution process for disputes between owners and/or drivers of taxicabs and the certificates holders that incorporates as a minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56, of the American Arbitration Association." In doing this, we recommend deleting Section 9-12-142 et seq. in its entirety, which imposes more process than exist for any other private employer.

Staff response: See comments and responses relative to division 7.

** Section 9-12-32(j). This provision is very important for the rights of owner/drivers to be able to "cash out" their investment in their business (i.e., their vehicles and "book" of

personal business) to another owner/driver. This legitimizes the "gray" market that has existed for years. We proposed this provision to staff and fully support it.

Staff response: No response appears to be needed.

Section 9-12-32(k) and (l). We do not object to a requirement that owner/drivers be given advance written notice of stand dues changes. We do object to a specified 30 day requirement, as there is absolutely no need for 30 days notice. Any advance notice is sufficient and companies as a matter of course give such notice.

Staff response: In fairness to drivers and owners, some notice should be provided. Thirty days would provide reasonable opportunity for an owner to seek a change in affiliation if an increase in stand dues were unacceptable and does not seem to be an undue burden for normal business planning; however, staff is open to further discussion on the number of days that notice should be provided.

We also object to the requirement that a reason be stated for increasing the stand dues. There is no legal basis for the City to regulate stand dues and therefore the City should not be starting down that path by requiring that reasons be stated and communicated to the City.

Staff response: It is not unreasonable for owners and drivers to want to understand what their stand dues are paying for and why increases may be necessary. Staff also feels that more open communication of this type information will help reduce controversy within the industry. Moreover, the explanation will be helpful to the City's understanding of trends and developments in the industry in its oversight role.

We also object to the requirement that stand dues increases be posted in a conspicuous place in the cab company offices. Our primary objection here is that, within any one cab company, there could be 5 to 10 different rates paid by different drivers depending on various factors (how long driving, how long driving with the company, willingness to pick up the "short trips," etc.). It would be confusing and create resentment to post each driver's old and new rate. It also might have the effect of creating stand dues uniformity at the high end, which will adversely affect many drivers. If one driver, for whatever reason, is given a better rate than another driver, there should be no need for the company to publicize it. If drivers want to discuss it with each other, then that is certainly their prerogative.

Staff response: Staff is open to alternatives for addressing this concern. This provision did not contemplate posting individual driver stand dues by name, but what rates are in effect and why they may vary among drivers. Clearly, drivers are well aware that stand dues vary within a company, but is not evident that they understand why other drivers may be paying rates that differ from their own. An option would be to post stand dues for new drivers or maximum and minimum rates, with a brief explanation of why they vary. Staff invites additional comment on this issue. The point that companies treat its drivers with reasonable consistency and drivers understand company policies.

Section 9-12-32(m). We object to filing the requirements for and disciplinary actions against drivers, even for informational purposes. There is no legal basis for intervening in the personnel/worker policies and practices of cab companies, so what is the purpose for requiring information. Surely, there is enough to do in monitoring the service levels provided by the cab companies and drivers.

Staff response: This filing will help ensure that company policies are readily accessible by drivers, who in turn are accountable for their actions. In addition, knowledge and understanding of each company's policies in this regard will benefit the city's oversight and regulatory activities.

** Section 9-12-32(n). Note that this section requires monthly and annual information to be provided by companies to the City Manager, but there is no corresponding requirement that drivers provide their information monthly and annually. See Section 9-12-56(b), discussed below.

Staff response: This was an oversight in the initial draft. Section 9-12-56(b) has been revised to stipulate that manifests are to be submitted monthly. No additional annual submission is needed.

** Section 9-12-32(o)(1). We strongly object to the requirement that companies provide financial statements and tax returns to the City. What is the purpose? The City has no authority to regulate stand dues or the profits of companies, anymore than it can regulate the gross income of a driver. The City can regulate the fares, but not the tips and not the overall gross income of a driver. There is no requirement that owner/drivers provide their financial statements and tax returns.

Staff response: Drivers are required to submit manifests containing financial information on a monthly basis. Company financial information is important to the annual review of industry financial health and any need for fare adjustments. Without adequate and reliable financial information, the city will have limited basis for assessing economic conditions within the industry or considering fare increases.

Alexandria United Taxi Operators

Comment: Subsection (q) maintains the privacy of financial data submitted by companies to the city manager "shall be kept confidential to the extent possible under the Code of Virginia".

Recommendation/Question: Privacy protections should be given to drivers too; specifically, when drivers apply to transfer and the city thereby has a list of drivers who are interested in transferring, only the names of those who were allowed to transfer should become public. Releasing the names of those who are interested in transferring would open the door to retaliation by present/current employer.

Staff response: Code does not contemplate releasing or publicizing the namesof individuals who request transfers; however, approval of transfer requests is predicated

on acceptance of the driver by the new company and demonstration that all financial obligations with the current company have been satisfied. This process will be conducted in a timely and discretionary manner; however, confidentiality cannot be guaranteed as requests may be subject to disclosure under the Freedom of Information Act.

Comment: Subsection (e) allows certificate holders to have a minimum of 10 taxicabs and a maximum of 50% of total number of authorized taxicabs. The minimum and maximum numbers may be changed by the city manager.

Recommendation/Question: 1) Allowing companies as small as 10 cabs to operate serves no public purpose and would be economically unviable. In fact they would jeopardize the ability of any of the existing or future small companies to survive. Heretofore the discussion has been to decide on a number between 35 and 50. We offer 40 as a minimum company.

Staff response: A minimum size of 40 taxicabs has been incorporated into the code.

2) We have identified the current Yellow / Diamond monopoly as an obstacle to quality service and fair treatment for drivers. We have consistently called for a maximum size of 40%. This clause should be reviewed / "sunseted" after a competitive industry has developed.

Staff response: Code now includes sunset provisions for limits on maximum company size and maximum size of merged companies. See previous response on this issue.

Comment: Subsection (f) requires certificate holders to provide a minimum of 1 taxicab or 1% of taxicabs authorized under the certificate which is ADA compliant. Also, the vehicle permit for these vehicles must state that they are to be used as a handicap accessible vehicle only. This is a new provision.

Recommendation/Question: This 1% requirement should be limited to large companies (more than 100 taxis). Generally, ADA compliance is not required unless a company exceeds a certain size. It would be economically unfeasible for a small / emerging company.

Staff response: This ADA requirement applies proportionately to all companies in that larger companies are required to have more accessible vehicles. The incremental cost of one accessible vehicle is not an undue burden on small or emerging companies and there is financial relief in the form of an extended vehicle retirement age for accessible cabs. With regard to use of the accessible cabs, they are not restricted to use for handicap service, but may be used for any taxi trip. See previous response on this issue.

White Top Cab

(k) The reasons for the stand dues changes reflect business decisions and should not have to be required to be filed with the City.

Providing annual financial statements with this detail is inappropriate for a business. No other business tax requires this detail and the language of (q) is worthless - this is public information.

Staff response: See earlier comments.

Sec. 9-12-33. Civil Penalties; revocation or suspension of certificates

Alexandria Yellow Cab

** Section 9-12-33. This section, involving revocation or suspension of certificates, needs to be revised significantly. Most of the "offenses" relate to matters entirely within the control of owner/drivers, but it is companies that will be penalized. See subsections (b)(1-6), all of which relate to owner/drivers.

Staff response: Language in this section has been revised to clarify the company's responsibilities more clearly.

With regard to company offenses, we support the idea of revocation as the ultimate remedy for non-compliance. However, with regard to lesser penalties, we do not think that suspensions for 30 to 120 days are appropriate. A suspension will put a company out of business. Suspension of a company would also be chaotic for drivers. There is no provision for what happens to drivers when the company is merely suspended. Are the drivers simply out of a job also? Do they have to repaint their cabs and work for another company during the 30 to 120 days? Not very practical.

If there is going to be an interim or lesser penalty for a company, it should not be a suspension, but probation for 30 to 180 days – i.e., an opportunity to cure the deficiencies or face revocation with the time period depending on the nature of the deficiency. Finally, we recommend that subsection (e), authorizing more than a 120-day suspension, be deleted.

Staff response: Suspensions are of limited value for lesser offenses and the proposed revisions have been revised to provide for probationary periods. Probations and civil penalties will be more effective disciplinary actions for lesser offenses

Alexandria United Taxi Operators

Comment: Subsection (f) provides that if a certificate is revoked, the vehicles authorized under the certificate must be returned to the city and within 30 days, the city manager and Board will hold a hearing to determine the disposition of the authorizations.

Recommendation/Question: When a certificate is revoked, taxi drivers should be allowed to affiliate with other companies immediately. Collectively the drivers investment far outweighs most of the companies' investments. The driver should not be punished for the failure of the company and drivers from a company whose CPNC is revoked should have 30 days to affiliate with another company (whose CPNC would then be modified).

Staff response: This section has been revised. A public hearing will be held and the city manager will make a determination regarding the disposition of the certificate holder's authorizations prior to the revocation action.

The disposition of authorizations will be determined on a case by case basis regarding drivers affiliated with a failed company. As we cannot now anticipate what best would serve the public interest should a particular company fail nor can we fully assess the circumstances leading to that failure, it will need to be decided at that time. Whatever is decided, there will be some disruption for the industry, including those drivers affiliated with the subject company. However, this is not necessarily a negative consequence since it should be in the self-interest of drivers to actively support the success of the company with which they are affiliated. Drivers will ultimately be better off than the company, since drivers may still be in business. But drivers should not regard their company's going out of business as an event that will have no effect on them.

Comment: Subsection (g) provides that the city manager's decision to suspend or revoke a certificate may be reviewed on the record by the Circuit Court of the City of Alexandria within 14 days of the decision.

Recommendation/Question: The city manager's decision should be reviewed by a court of proper jurisdiction (either state or federal). There should not be a deadline for filing the complaint. The applicant will certainly need more time to decide whether or not a complaint should be filed and to retain a lawyer. If the City insists on a deadline, it should be within 6 months of the decision.

Staff response: This right exists under current law. The language has been revised to allow filing within 30 days.

White Top Cab

The following sections should be penalties for the driver not the company:

(b) (1), (2), (4) (as it pertains to drivers), (6) (how can the company know or control the drivers nonpayment of personal property taxes?

Second (b) Line 13 - a minimum of 30 days notice should be provided before a hearing.

(g) a minimum of 30 days notice should be given to file a petition.

Staff response: See previous response to AYC comment.

Sec. 9-12-34. Authorizations not in use

Alexandria Yellow Cab

** Section 9-12-34. This section, regarding the effect of not operating authorized vehicles needs to be clarified and revised. It needs to be clarified in that certificate holders do not operate vehicles, but drivers do. Companies can be expected to fill vacancies with drivers, but as long as the owner/driver is paying stand dues, the

companies do not (and because of independent contractor rules) cannot tell owner/drivers when or whether they must drive. This section should be revised in that companies should be given one year (as in the current ordinance) to ensure that vacant certificates are filled. The reason for one year, instead of 3 months, as proposed, is that there can be many reasons for unfilled vacancies – labor shortage, inability of prospective drivers to take tests to qualify as drivers, vacation by drivers who often leave the country for months at a time, etc.

Staff response: The possibility of losing authorizations is a strong incentive to keep all authorizations in active use. Authorizations that are not in active use do not serve the public convenience and necessity. Moreover, authorizations that are idle for 12 or even six months are arguably not needed for the company to meet its demand for taxi service. The city cannot responsibly allow authorizations to be idle for extended periods without taking action and expects that all companies manage assignment of their authorizations to ensure that demand for service can be served.

Alexandria United Taxi Operators

Comment: Subsection (a) states that if a certificate holder fails to operate any authorized vehicle for more than 90 consecutive days, the authorization to operate the vehicle must terminate automatically and revert to the City.

Recommendation/Question: Currently there are more cabs than are needed, and taxi companies are holding certificates that they do not own. This provision will lead to a more sustainable number of cabs on the street.

Staff response: No comment needed.

White Top Cab

(a) 90 days is too short of a period of time to revert the authorization. Currently it has been 90 days since the City has even given the driving test. This ordinance needs to have some time limits included for the City to administer the tests, etc. I understand that the other jurisdictions offer the test weekly.

Staff response: The test is offered twice each month (and has been for the past 90 days), thus, 6 tests are offered in the permitted 90 day vacancy period. This should be sufficient time for new drivers to be brought on as needed.

DIVISION 3: Driver's Permit

Sec. 9-12-42. Application.

Alexandria United Taxi Operators

Comment: Subsection (d) provides that the application must state that if any person makes a false statement, it may be grounds for "prosecution."

Recommendation/Question: No criminal penalties.

Staff response: As previously noted, filing false information with the city is a class 1 offense under existing law.

Sec. 9-12-43. Charges for permit.

Alexandria United Taxi Operators

Comment: This section allows the fees for driver permits to be established by regulation. Under the current code there are set fees for the permit.

Recommendation/Question: AUTO believes the rates should be reviewed every two years; in the interim, set fees.

Staff response: Current fees will remain in effect until the joint review of fees and the rate of fare is completed. Rates of fare and fees will then be reviewed concurrently every two years. The benefit of alternating fare and fee reviews is unclear, since these are interrelated.

Sec. 9-12-47. Driver Training

Alexandria United Taxi Operators

Comment: This is a new provision requiring applicants to attend a driver training course approved by the city prior to receiving a driver's permit or any renewal.

Recommendation/Question: The City must make the training available and may charge up to $50.00 for the course.

Staff response: Training will of course be available prior to the requirement taking effect. Fees for this training will be set to recover the costs of the training.

Questions: What happens at the end of training? Will there be a chance to "fail" a training, if so, what will happen to the driver?

Staff response: New drivers will be required to pass the permitting test, as is now the case. Renewing drivers will be required to complete the course of training; however, there is not test to "fail."

What if a driver cannot attend training for some reason; for example, what if it's permit renewal time and driver missed the last training and there is not another training scheduled for X amount of months – what happens to the driver then?

Staff response: Training will be provided as at regular intervals and as often as necessary to reasonably serve the number of renewing drivers. Drivers will expected to plan ahead and be sure that training is completed prior to the expiration of their permit. Permits will not be renewed until the required training has been completed.

Why do experienced drivers have to take the course? Also – are there required training courses for company owners? Dispatchers? Phone operators?

Staff response: Experienced drivers will benefit from ongoing training, as do others in many occupations and professional fields. Training requirements apply to drivers, who are issued permits by the city. Dispatchers and phone operators are not permitted by the city, although their companies responsible for service quality.

Sec. 9-12-48. Company endorsement of driver

Alexandria Yellow Cab

Section 9-12-48. Regarding company endorsement of the driver's application for a permit, there should be a requirement that a driver must stay with the company which endorsed him for at least one year. Now there is no practical way for a company to require this as a condition of endorsing the driver's application for a permit.

Staff response: Companies may enter into contracts with drivers to achieve this goal if they so choose. Were the city to require that drivers stay with a company for a set period of time, it would have to conversely require that companies retain drivers for an equivalent period. The City should not dictate the term of the business relationship between companies and drivers.

Alexandria United Taxi Operators

Comment: This is a new provision providing that a driver permit will not be issued unless the applicant has an endorsement by a certificate holder.

Recommendation/Question: This has never been discussed and will discourage new drivers into the field and involves the company in what is the publics business. Delete this provision.

Staff response: This requirement is intended to help ensure that the city's administrative resources are available to drivers who actively serve city taxi needs rather than being consumed by individuals who simply have a city permit as a backup. Endorsement by the company is only intended to verify that the driver has a business relationship with a taxi company authorized to provide services in the city. Without such relationship, no public interest is served by issuance or maintenance of the driver permit.

Sec. 9-12-51. Appeal of a denial of a driver's permit

Alexandria United Taxi Operators

Comment: Subsection (b) allows the hack inspector to schedule an appeal of a denial within a reasonable time.

Recommendation/Question: There needs to be a reasonable time period like 30 days

Staff response: The Traffic and Parking Board meets monthly and its docket closes approximately two weeks prior to the meeting date. The shortest "reasonable time period" that could be reliably specified is 45 days. Allowing for the possibility of an otherwise filled docket, such as the annual industry review, this provision has been amended to provide for a scheduling an appeal hearing within 60 days.

Comment: Subsection (d) provides that the decision of the Board is final and there is no rehearing.

Staff response: No appeal of the appeal was envisioned.

Sec. 9-12-53. Expiration of permit

Alexandria United Taxi Operators

Comment: This section talks about expiration of permits. States they will expire two years from date of issuance.

Recommendation/Question: There should be a "grace period" built into the code so that a driver can continue to drive for a short amount of time (30 days) with an expired permit; this is especially important since the renewal process will require vehicle inspection, training, etc and all those things can take time and are dependent on the cooperation of company and city officials.

Staff response: Drivers will need to plan ahead, allowing sufficient time to complete the renewal process prior to license expiration. There is really nothing to be gained by providing a grace period; the end of the grace period would just become the de facto expiration date.

Sec. 9-12-56. Records and Reporting Requirements

Alexandria Yellow Cab

Section 9-12-56(a). Accident reports should be made immediately, or within 5 hours, not 5 days.

Staff response: This provision has been amended to require reporting within 24 hours.

** Section 9-12-56(b). Manifests should include not only fares, but also tips. If a living wage is going to be considered, see Section 9-12-31(d)(3)(and we do not think it should be), then there must be information about tips. This is no different from the wait staff at restaurants, who must record their tips.

Staff response: This provision has been amended to include reporting of tips.

With the manifest, drivers should also be required to provide receipts to every customer. See Section 9-12-136, which will need to be amended accordingly. The duplicate

receipts should be submitted to the City along with the manifests for purposes of cross checking or verification.

Staff response: The city cannot require that customers accept receipts, therefore, requiring that drivers provide receipts to customers is a practical impossibility. Section 9-12-136 has been amended to require that drivers offer a receipt customers rather than providing a receipt on request. Most customers do not actually want a receipt.

Furthermore, manifests and duplicate receipts should be provided to the City monthly, just as companies are required to provide monthly information about service levels (dispatch numbers and call response).

Staff response: Section 9-12-56(b) has been amended to require monthly submissions of driver manifests. Requiring submission of duplicate receipt books would serve no useful purpose.

Sec. 9-12-57. Service requirements

Alexandria Yellow Cab

Section 9-12-57(a). Technical amendment to "all passengers" not "both passengers."

Staff response: This change has been made.

Section 9-12-57(g). Amend the first sentence to state: "Drivers shall take the shortest or fastest route to the destination, or the route approved by the passenger."

Staff response: The fastest route may not be the shortest route. Since fares are based primarily on distance, this provision ensures that the customer will benefit from a lower rather than higher fare. Passengers who prefer a longer but faster route may so request.

Section 9-12-57(k). Recommend deleting as totally unmanageable, especially the notice and public hearing aspects.

Staff response: Staff strongly disagrees that the process is unmanageable; however, it recognizes that the intent of this section is unclear. This section has been revised to better distinguish between permanent and emergency prohibitions on cruising.

Section 9-12-57(l). Add the following sentence: "No driver, who bids on a call, shall refuse service to that call."

Staff response: This language has been added.

Section 9-12-57(m). Add a new second sentence: "Drivers shall be required to wear shirts with collars."

Staff response: Staff agrees with this suggestion, but feels it would be more appropriate to incorporate this in a regulation rather than in code.

Alexandria United Taxi Operators

Comment: Subsection (j) provides that no driver shall loiter or congregate with others in sidewalks adjacent to a taxi stand. This is new language.

Recommendation/Question: There are laws in place that deal with loitering. There's no need to include this provision in the taxi code.

Staff response: This restriction was included to ensure that approaching customers could readily identify the driver of the lead vehicle in a taxi stand and to address concerns raised by businesses adjacent to stands throughout the city. This subsection has been rewritten to require that drivers remain within twenty feet of their vehicle while in a taxi stand, as currently required.

Sec. 9-12-60. Suspension and revocation of permits by the board.

Alexandria United Taxi Operators

Comment: Subsection (g) provides that the Board's decision to suspend or revoke a permit may be reviewed on the record by the Circuit Court of the City of Alexandria within 14 days of the decision.

Recommendation/Question: The Board's decision should be reviewed by a court of proper jurisdiction (either state or federal). There should not be a deadline for filing the complaint. The applicant will certainly need more time to decide whether or not a complaint should be filed and retain a lawyer. The deadline should be within 6 months of the decision.

Staff response: As previously noted, this right exists under current law. The language has been revised to allow filing within 30 days.

DIVISION 4: Vehicle Permits

Sec. 9-12-71. Vehicle permit required; display.

Alexandria Yellow Cab

Section 9-12-71 et seq. Clarify whether the vehicle permit is the same as the certificate card under current law. Is the driver permit the same as a "face" card?

Staff response: The vehicle permit is intended to be the functional equivalent of the certificate card under current law. Driver permits are frequently referred to as "face cards."

Sec. 9-12-72. Application.

Alexandria United Taxi Operators

Comment: Subsection (b) provides that application must state that any false statement may result in "prosecution"

Recommendation/Question: If a driver does something that rises to the level of a criminal activity, there are laws in place to deal with it. No need to place it in the taxi code.

Staff response: As previously noted, submitting false information to the city is an offense under existing law. This is not a new condition.

Sec. 9-12-78. Permit nontransferable.

Alexandria United Taxi Operators

Comment: This section provides that no vehicle permit may be transferred unless the hack inspector has inspected the vehicle and determined that it complies with all requirements for a new permit.

Recommendation/Question: The hack inspector should conduct an inspection of the vehicle within 14 days of the request for a vehicle permit transfer.

Staff response: This provision has been revised to provide for inspection within 14 days of owner request and certification that vehicle has been fully upfitted and is ready for taxi service as required by code.

Sec. 9-12-79. Suspension of permits

Alexandria United Taxi Operators

Comment: This section provides that the hack inspector may suspend a vehicle permit not to exceed five days or until such time that the vehicle is safe to operate.

Recommendation/Question: There should be an appeals process for this suspension. (See Section 9-12-59 allowing an appeal of driver's permit to the Board.)

Notice of suspension should be in writing and include reason for the suspension.

Staff response: This section has been revised. It is the intent that the suspension notice will cite the violation of code similar to usual practice with parking tickets. Suspensions not involving issues of public safety will be subject to appeal; however, suspensions for safety reasons or failure to have required insurance are immediate and not subject to appeal.

Sec. 9-12-81. Requirements for vehicles

Alexandria Yellow Cab

Section 9-12-81(c). To clarify, amend as follows: "Every taxicab shall be of a vehicle type approved by regulation with four doors, at least two seats and not less than five passengers capacity, except that wheelchair accessible vehicles may have less doors and less capacity."

Staff response: This section has been revised to allow variances for wheelchair accessible vehicles.

Section 9-12-81(n). Bumper stickers are not professional and generate complaints by passengers who either object to the Bush or the Kerry bumper sticker. This section should be revised either to prohibit bumper stickers or to state: "A taxicab company may prohibit or restrict the use of bumper stickers." The latter is simply a statement of current law. A company has a legitimate interest in what kinds of bumper stickers are placed on vehicles operated under the company's name and colors. If the company is taking the action, there is no first amendment issue.

Staff response: This provision limits only the number, size and placement of bumper stickers, not the content. Companies are not barred from imposing further limitations or restrictions in this regard that are otherwise legal. This language has been modified to clarify this.

On the other hand, commercial advertising on taxis (interior and exterior) done cooperatively between companies and drivers should be expressly authorized. It will offer both parties an additional source of income. See attached letter dated October 26, 2004, from Lonnie C. Rich to the City Manager.

Staff response: The issue of permitting advertising on taxicabs has been determined to be primarily a matter of zoning, not taxicab regulation. This suggestion will be forwarded to appropriate staff for consideration of a possible change in the city's zoning ordinance.

Alexandria United Taxi Operators

Comment: Subsection (n) is a new provision stating that not more than two bumper stickers may be displayed on a taxi at one time. Stickers can not be larger than ten inches by three inches and may be placed on the rear bumper only.

Recommendation/Question: Why is this provision included? This may be a violation of the 1st Amendment. Also, cabs should allow space on the rooftop and /or trunk – the revenue generated will offset some of the costs associated with providing higher levels of service.

Staff response: See previous response to AYC comments regarding bumper stickers.

DIVISION 6: Fares

Sec. 9-12-132. Amount of fare to be charged.

Alexandria Yellow Cab

** Section 9-12-132. Increase the initial drop from $2.25 to $3.00. Increase the fare for additional passengers from $1.25 to $2.00. For additional one-fourth miles, increase the fare from$0.40 to $0.50. Increase the wait time for one hour from $18.00 to $20.00. Delete subsections (a)(5), (6), (7), (8) and (11), which are taken care of by the other increases and by tips from passengers.

Staff response: Fare increases will be addressed at the first biannual review of fares and fees, not at this time.

Sec. 9-12-136. Receipts for amounts charged.

Alexandria Yellow Cab

Section 9-12-136. Require drivers to provide receipts as opposed to providing them only upon request. If required, then drivers will capture fare and tip information for determining the City's interest in drivers maintaining a living wage.

Staff response: See prior AYC comment. Section 9-12-36 has been amended to require that drivers offer a receipt to all customers.

DIVISION 7: Dispute Resolution

Sec. 9-12-142. Required conditions.

Alexandria Yellow Cab

Section 9-12-142. Although AYC does not terminate drivers without good cause, requiring it of all companies as a matter of public policy is highly intrusive into the "business" of business. The City regulates the activities of other businesses (restaurants, service stations, utilities), but does not interfere with their personnel policies. The City ought not get involved in doing so here.

If this City does so regulate for taxi companies, then some amendments and clarifications are requested. In subsection (a), delete the reference to "reasonable and." If good cause is required, then reasonable is subsumed under that. In subsection (b), replace the "period" with a "comma" and add: "or refusal to run a bid accepted by the driver."

Staff response: It is a matter of public interest that all taxi companies and drivers are treated fairly and reasonably inasmuch as they are relied upon by the public to deliver needed services. As a regulated industry, competition is limited, along with the normal range of market forces and opportunities. However, staff agrees this is an issue that should be primarily addressed by the industry rather than the city. An alternative to a dispute resolution process strictly specified by code would simply be a code requirement that a dispute resolution process be available (as required by proposed section 9-12-32(h)) and, in lieu of such process specified by regulation, companies may submit an alternative process for approval. This would satisfy the city's interest that a dispute

resolution process be available and allow companies and their affiliated drivers to adopt a process that better serves their needs and interests.

The phrase "reasonable and" can be deleted without harm. Serving accepted bid is required elsewhere. Repeated failure to serve accepted bids would seemingly constitute good cause.

Alexandria United Taxi Operators

Comment: This is a new provision stating that a CPNC or driver's permit may be suspended or terminated for "good cause" and "good cause" means one or more causes set forth in 9-12-58 or 9-12-60

Recommendation/Question: This provision must be incorporated into contracts between drivers and companies.

Staff response: Staff agrees that causes for termination by either party should be a matter of contract between the parties; however, it does not agree that all causes for termination of the business relationship between a company and an owner or driver should be specified in code (i.e. limited to the cited sections or others). Staff is also aware that in many cases, written contracts do not exist. The city's interest is the availability of a process to resolve business relationship disputes equitably and without regulatory involvement.

AUTO wants informal mediation then arbitration and a stay of proceedings until the process is complete. AUTO wants to add statement that drivers may be represented at proceedings.

Comment: Subsection (5) states that mediation costs must be borne equally by the parties unless they agree otherwise in writing.

Recommendation/Question: The losing party of the **arbitration** should pay the costs. There should be no formal (paid for) mediation. Given the disparity of resources – we do not want the drivers subjected to frivolous charges that result in shared arbitration costs.

Staff response: An option for informal mediation has been incorporated. Also, the change that the losing party bears arbitration costs has been included.

White Top Cab

There is no reason to require arbitration under a certain group such as AAA - several creditable mediation services operate in Virginia such as the McCammon Group.

Arbitration or Mediation should be a choice - why require two steps before one can go to Court. It is costly and time extensive.

Staff response: As long as the process satisfies the stipulated guidelines, alternative services would certainly be acceptable. Mediation, informal or formal, is an option subject to agreement between the parties, not a requirement.

Sec. 9-12-142. Dispute resolution procedures.

Alexandria Yellow Cab

Section 9-12-142 (Second so numbered), 9-12-143 and 9-12-144. Delete all three sections in their entirety for the reasons discussed with regard to Section 9-12-32(h) above.

Staff response: See previous response.

Proposed New Provisions

Alexandria Yellow Cab

** 9-12-500 (New section). Add a new provision expressly prohibiting and providing criminal penalties for pick up of Alexandria residents or workers by taxicabs from other jurisdictions. Red Top is notorious for creaming the Alexandria taxi business; and they provide no service for the short, difficult trips, especially the elderly and disabled. Such a provision will substantially increase the dispatch business available for all Alexandria cab companies and will benefit the drivers.

Staff response: As currently drafted, it is unlawful for any person to operate, drive or provide taxicab services unless in conformance with city code requirements. Except as permitted under the regional reciprocity agreement for taxicab services, this practice is prohibited. As discussed on prior occasions, staff is readily willing to work cooperatively with the industry and surrounding jurisdictions to mutually enforce the limitations of this reciprocity agreement.

Alexandria United Taxi Operators

Bill of Rights for Drivers

Recommendation/Question: All drivers' rights should be incorporated in the code itself and not a separate Bill of Rights.

Staff response: Code specifies all driver and company rights being granted therein. Both driver and company bills of rights should reflect the business relationships between those groups and should be industry developed and adopted to define their respective rights, expectations and needs. Staff would be happy to assist in developing these bills of rights, but feel it would neither be practical nor appropriate to define these in code.

Creation of a Taxi Commission

Recommendation/Question: How is this commission different from the current Board? Will it have authority over the Board?

Staff response: A taxi commission is not recommended or included in this code revision based on prior industry input that a separate body of this type was not needed.

20
4-12-05

Introduction and first reading:	4/12/2005
Public hearing:	4/16/2005
Second reading and enactment:	4/16/2005

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to repeal Article A (TAXICABS AND FOR-HIRE VEHICLES), and to adopt a revised Article A.1 (TAXICABS), of Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION), of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance adopts revised provisions for the regulation of the taxicab industry in Alexandria.

Sponsors

The Honorable Ludwig P. Gaines, Councilman
The Honorable Rob Krupicka, Councilman

Staff

Richard J. Baier, Director of Transportation and Environmental Services
Thomas Culpepper, Deputy Director for Transportation, T&ES
Ignacio B. Pessoa, City Attorney

Authority

§ 2.04(d), Alexandria City Charter

Estimated Costs of Implementation

See memorandum from the City Manager.

Attachments in Addition to Proposed Ordinance

None

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ORDINANCE NO. _____

AN ORDINANCE to repeal Article A (TAXICABS AND FOR-HIRE VEHICLES), and to adopt a revised Article A.1 (TAXICABS), of Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, of Chapter 12, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 2. That Chapter 12, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a revised Article A.1, as set forth in Exhibit 1, attached hereto and incorporated herein fully by reference.

Section 3. That the repeal provided for in section 1 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance, except as expressly provided in section 2; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Attachment: Exhibit 1, Article A.1 – Taxicabs

Introduction: 4/12/2005
First Reading: 4/12/2005
Publication:
Public Hearing:
Second Reading:
Final Passage:

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EXHIBIT 1

[Underlining and strikeouts indicate changes from prior draft.]

ARTICLE A.1: Taxicabs

DIVISION 1: Generally

Sec. 9-12-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

(1) Board. The traffic and parking board created by title 5, chapter 8, article A of this code.

(2) Certificate. A certificate of public convenience and necessity issued by the city manager authorizing the operation of a taxicab company under the provisions of this article.

(3) Certificate holder. Any taxicab company which has been granted a certificate of public convenience and necessity as provided in this article.

(4) Cruising. The driving of a taxicab on the streets, alleys, or public places of the commonwealth in search of, or soliciting for, prospective passengers for hire.

(5) Director. The director of the department of transportation and environmental services or the director's designee.

(5.1) Dispatch service. The provision of taxicab service in which requests for service are received at a central facility by telephone, in person, or other means, and communicated to drivers by two-way radio, or other data communication service with equivalent functionality.

(6) Driver. The person operating any taxicab.

(7) Driver's permit. The permit issued to a driver of a taxicab under the provisions of this article.

(8) Hack inspector. The individual designated by the chief of police to fill this position pursuant to this article.

(9) Manifest. A daily record prepared by the driver of a taxicab of all trips made by the driver, showing the time and place of origin, destination, number of passengers and the amount of fare of each trip.

(10) Owner. The person who holds legal title to any taxicab, or any person who holds beneficial title to any such taxicab or any person having possession of any such taxicab under a conditional sales contract, lease, bailment or any instrument in the nature of a lien.

(11) Person. Any natural person, firm, partnership, limited partnership, corporation, company, limited liability company, joint venture, association or joint stock association, including any trustee, receiver, assignee or personal representative thereof.

(12) Regulation. The rules and regulations promulgated by the city manager pursuant to this article.

(13) Street. The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the commonwealth including streets, highways, alleys and publicly maintained parking lots.

(14) Taxicab. Any motor vehicle having a seating capacity of not more than six (6) passengers and not operating on a regular route or between fixed terminals, used in transportation of passengers for hire or compensation, and subject to regulation under this article.

(15) Taximeter. A meter, instrument or device attached to a taxicab which measures mechanically and/or electronically the distance driven and the waiting time upon which the fare is based.

(16) Taxicab Company. A person who regularly engages in the provision of taxicab services to and from points in the City and maintains a place of business within the City for the management and dispatch of such services.

(17) Taxicab services. The operation of a motor vehicle upon the streets, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along the streets as directed by the passenger or passengers being transported.

(18) Vehicle Permit. A permit issued by city manager authorizing a taxicab to be associated with a taxicab company, and operated under its dispatch system and colors.

Sec. 9-12-2 Compliance with article

(a) It shall be unlawful for any person to operate, drive or provide taxicab services in any taxicab required by this article to obtain a permit from the city, unless such person, and such taxicab, shall conform to and comply with the provisions of this article.

(b) It shall be unlawful for any person to operate a taxicab company required by this article to obtain a certificate of public convenience and necessity from the city, unless such person shall conform to and comply with the provisions of this article.

(c) Any person who violates any provisions of this article shall be guilty of a class 2 misdemeanor, unless another penalty is expressly provided in this article.

Sec. 9-12-3 Hack inspector.

The chief of police shall appoint either a sworn officer or a civilian employee to serve at his pleasure as hack inspector, and one or more assistant hack inspectors. The hack inspector shall exercise the powers and duties provided for in this article and do all things necessary to make effective the provisions of this article. The Chief of Police may designate the hack inspector to administer some or all of his powers and responsibilities under this Article.

Sec. 9-12-4 Authority of city manager.

(a) The city manager may designate a person or persons to administer some or all of the provisions of this article.

(b) The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this article.

Sec. 9-12-5 False statements prohibited.

(a) It shall be unlawful for any person knowingly to make or cause to be made, either directly or indirectly, any false statement as an inducement for the issuance of a certificate of public convenience and necessity, vehicle permit or a driver's permit provided for in this article.

(b) It shall be unlawful for person knowingly to make or cause to be made, either directly or indirectly, any false statement in any document required to be submitted pursuant to this article.

Sec. 9-12-6 Insurance or bond required.

(a) Every taxicab owner for which a vehicle permit has been issued under this article shall file with the hack inspector a certificate of insurance or binder evidencing, and keep in full force and effect at all times either:

(1) A public liability and property damage insurance policy with a company authorized to do business within the state in at least the amount of $500,000 combined single limit for death or bodily injury, and property damage, and every such policy shall contain a clause obligating the company issuing the same to give 15 days notice in writing to the hack inspector before any cancellation thereof.

(2) An indemnity bond of a surety company, authorized to do business within the state in the same amounts and for the same purposes as the insurance policy stated in subsection (1) of this section; provided, that the director of finance of the city, after investigation, shall be fully satisfied as to the financial responsibility of the surety company on such bond.

Secs. 9-12-7 through 9-12-20 reserved.

DIVISION 2 Certificates of Public Convenience and Necessity

Sec. 9-12-21 Certificate required.

It shall be unlawful for any person to operate or engage in business as a taxicab company unless a certificate of public convenience and necessity shall have been issued pursuant to this article. It shall be unlawful for any person to operate or engage in business as a taxicab company under an expired, suspended or revoked certificate.

Sec. 9-12-22 Initial application for a certificate.

(a) An application for the initial issuance of a certificate of public convenience and necessity shall be made to the city manager, on or before May 1 of each year, on the form provided by the city manager.

(b) The applicant shall provide the following:

(1) The full name and business address of the applicant and, if the applicant is a corporation, a certified copy of the articles of incorporation;

(2) The full name and address of the registered agent or other person or persons upon whom legal process may be served and upon whom all notices or other matters relating to the administration and enforcement of this article should be made;

(3) The trade name and the telephone numbers under which the applicant does or proposes to do business;

(4) The financial status and responsibility of the applicant;

(5) The maximum number and ownership of taxicabs to be operated under the applicant's color scheme;

(6) A description of the type of service to be provided including the geographic area of the city to be served;

(7) A description of the communications system to be used with specific reference as to the applicant's plan to provide adequate dispatch service to the public;

(8) A description of the color scheme, insignia and cruising light design to be used, which shall conform to regulations issued by the city manager;

(9) Any conviction, plea of guilty or nolo contendere of the applicant, or if the applicant is a corporation, each of the officers of the corporation, arising out of any violation of a federal, state or municipal law;

(10) The specific experience of the applicant in the transportation of passengers for hire and the management of a business engaged therein;

(11) All facts or circumstances which the applicant asserts to meet the applicant's burden of demonstrating that the public convenience and necessity requires granting the certificate;

(12) Fingerprints of the applicant, or if the applicant is a corporation, each of the officers of the corporation; and

(13) Such additional information as the city manager may require.

(c) All applications must be signed (1) by the president if a corporation or (2) by the legal representative if a business entity other than a corporation, and must be notarized.

(d) Such forms shall include a statement that "It is unlawful for any person to make a false or misleading statement in connection with this application and the making of any false or misleading statement shall be grounds for denial of the application or subsequent revocation of a certificate, and for criminal prosecution."

Sec. 9-12-23 Fees

The fees and charges for an application for, and for the issuance and renewal of, a certificate shall be established by regulation, and no application shall be filed, and no certificate issued or renewed, unless and until such fees and charges shall have been paid.

Sec. 9-12-24 Investigation of applicant.

Upon the filing of any application for a certificate, the chief of police shall make or cause to be made a thorough investigation of the character, and traffic and criminal records, of the applicant. The results of this investigation shall be submitted to the city manager on or before the public hearing held under section 9-12-25.

Sec. 9-12-25 Determination of public convenience and necessity; issuance of certificate.

(a) Burden: The applicant shall have the burden of demonstrating ~~by clear and convincing evidence~~ that the public convenience and necessity require the operation of a new taxicab company and the authorization of any additional taxicabs that may be requested.

(b) Notice and written comments: Upon receipt of ~~an~~ completed application for an initial certificate and authorization of any additional taxicabs, the city manager shall notify all existing certificate holders by mail, and the public by advertisement in a newspaper of general circulation published within the city, that the application has been filed, and that written comments on the application may be filed with the city manager within 30 days after publication of the notice. No application shall be considered complete unless all of the information in sections 9-12-22 and 9-12-32 has been provided.

(c) Public hearing: The Board shall hold a public hearing and make its recommendation to the city manager as to whether the public convenience and necessity requires granting the application for a new certificate and authorization of any additional taxicabs that may be requested. In making its recommendation, the Board shall apply the criteria set forth in subsection (d) of this section.~~.~~ This hearing shall be held at the next regular meeting of the Board after the written comment period has closed, and may be continued from time to time thereafter by the Board.

(d) Criteria for consideration. The city manager shall determine whether public convenience and necessity require the operation of a new company and authorization of any additional taxicabs that may be requested ~~as requested~~ in the application. In making this determination, the city manager shall consider:

(1) The representations of the applicant as set forth in its application,

(2) The results of the investigation made under section 9-12-24

(3) Any information presented at the public hearing held pursuant to paragraph (c) of this section, and the recommendation of the Traffic and Parking Board.

(4) Information as contained in the city manager's most recent report on the economic conditions of the taxi industry required by section 9-12-31.

(5) The adequacy of existing taxicab service and other forms of transportation for passengers already in existence.

(6) The probable permanence and quality of the service offered by the applicant.

(7) The financial status, character and responsibility of the applicant as demonstrated by the applicant's ability to provide, maintain and operate the number of vehicles proposed to be operated in accordance with the character of service proposed in the application, the applicant's criminal and traffic record and the applicant's credit record, if any.

(8) The experience of the applicant in taxicab operations as an owner or manager or as a taxicab driver; and

(9) The effect on promoting competition and improving the quality of taxi service provided in Alexandria.

(f) Decision: The city manager may grant the certificate of public convenience and necessity applied for and approve the number of taxicabs requested by the applicant or approve a lesser number of taxicabs than requested, or the city manager may deny the certificate. If the city manager denies the certificate or grants the certificate with a lesser number of taxicabs than requested by the applicant, the city manager shall notify the applicant by certified mail.

(g) Re-application: An applicant may not reapply for a certificate, or for the authorization of additional taxicabs, for one year from the date of decision by the city manager.

Sec. 9-12-26 Certificate generally; form; term.

(a) The certificate of public convenience and necessity shall state the following:

(1) The name, home and business address of the certificate holder and registered agent or other person to whom legal process may be served or notice given.

(2) The maximum number, kind and class of vehicles authorized, the seating capacity of each, the equipment of each vehicle and the lettering, marks and color scheme to be used on each vehicle.

(3) The date of issuance; and

(4) That the certificate has been issued subject to the provisions of this division and all other laws and ordinances governing the operation of a taxicab company.

(b) Every certificate shall expire on ~~June 30~~ December 31 next after issuance. Before expiration, each certificate holder shall file a renewal application with the hack inspector pursuant to section 9-12-27. Grandfathered certificates held by individuals under section 9-12-34 shall be valid from the date of issuance until the last day of the birth month of the individual certificate holder. In cases of death, sickness or unusual circumstances, the city manager may authorize the continued operation of an existing certificate until the following September 1.

Sec. 9-12-27 Renewal of certificate.

Each certificate holder shall file an application for renewal of the certificate with the hack inspector ~~prior to the expiration of the certificate~~ by August 1 of each year on the form provided by the city manager. ~~No application for renewal will be considered unless and until all of the information required in section 9-12-32 has been provided.~~ Each application for a renewal of a certificate shall demonstrate compliance with section 9-12-32, and shall include a requested number of taxicab authorizations based on current service levels.

Sec. 9-12-28 Color scheme of vehicles; insignia or trade name.

(a) Each applicant for a certificate shall adopt a unique, identifying color scheme, insignia and trade name, different from the appearance of ordinary vehicles, which shall be submitted for approval with the application for the certificate. Upon the granting of the certificate and approval of the color scheme, insignia and trade name, the certificate holder shall cause all vehicles operated under the certificate to conform to such color scheme and bear such insignia and trade name. No other certificate holder, owner or driver shall use such color scheme, insignia or trade name.

(b) No color scheme, insignia or trade name shall be approved if it conflicts with or imitates the color scheme, insignia or trade name used by another certificate holder in such manner as to mislead, confuse or tend to deceive the public.

(c) It shall be unlawful and grounds for revocation of a certificate for any certificate holder to change or allow to be changed the approved color scheme insignia or trade name, except as hereinafter provided.

(d) Any owner or driver connected with a certificate holder who is allowed to use the color scheme, insignia, or trade name of such certificate holder, shall immediately upon separation or discharge from the holder's company discontinue use of any taxicab until the color scheme, insignia and trade name on such taxicab has been changed or removed.

Sec. 9-12-29 Sale or transfer of certificates of public convenience and necessity; transfer of company control

(a) A certificate of public convenience and necessity issued pursuant to this article shall remain the property of the City, and no such certificate may be sold or transferred by the certificate holder to any other person.

(b) Merger or transfer of control of a taxicab company, either de facto or de jure, is prohibited unless approved by the city manager after a determination that such merger or transfer of control is in the public interest. Any person who proposes to merge or acquire control of a taxicab company shall submit to the city manager an application in writing, setting forth such relevant information as to the proposed merger or transfer as prescribed by regulation, and indicating whether the merger or transfer of control will be de facto or de jure.

(1) The applicant shall have the burden of demonstrating that such merger or transfer of control will serve the public interest, and shall promptly respond to any requests for additional information required by the city manager.

(2) The city manager shall cause an investigation of the financial status, character and responsibility of the applicant and the experience of the applicant in the taxicab business to be conducted. The results of such investigation shall be used by the city manager in determining whether the merger or transfer is in the public interest.

(3) The city manager shall not approve a merger or transfer of control which results in any person controlling more than 40% of the taxicabs authorized under this article; provided, however, that the provisions of this subsection shall expire on [effective date plus 30 months].

(4) The city manager may approve or deny the request for merger or transfer of control. Before granting any such request, the city manager shall make an affirmative finding that the proposed merger or transfer of control is in the public interest. Absent such finding, the city manager shall deny the application, and notify the applicant.

Sec. 9-12-30 Amending Certificates of Public Convenience and Necessity

(a) The number of taxicabs authorized by a certificate may be amended ~~by (1) a certificate holder's application, (2) the city manager's determination that the public convenience and necessity requires a change in the number of authorized taxicabs or change in allocation among certificate holders, or (3) a taxicab owner's application to transfer affiliation from one certificate holder to another certificate holder.~~

~~(b) Certificates may only be amended~~ once a year during the annual review of the industry and the following procedures shall apply:

(1) A certificate holder may apply for an amendment to the number of vehicles authorized by the certificate, no later than August 1 of each year, on the form provided by the city manager.

(2) An owner whose vehicle is affiliated with one certificate holder may apply not more frequently than once a year, on the form provided by the city manager, to have that affiliation transferred to a different certificate holder. Any such application shall be submitted to the city manager no later than ~~August~~ November 15 of each year. No more than 10% of the active owners associated with each certificate holder shall be ~~eligible to apply~~ approved for such transfer in any year. If more than 10% of the active owners submit applications by August 1, the city manager shall conduct a lottery to determine which applications shall be processed. Each such application shall be signed by the prospective certificate holder, certifying acceptance of the owner if the transfer of affiliation is approved.

~~(3) The city manager may propose one or more amendments to existing certificates, as to the total number taxicabs authorized, and to the allocation of authorized taxicabs among certificates holders, for consideration during the annual review of the taxi industry held pursuant to Section 9-12-31.~~

(4) A public hearing on all such applications ~~and proposed amendments~~ shall be held by the Board as part of the annual review of the taxi industry pursuant to section 9-12-31, and the Board shall make a recommendation thereon to the city manager.

(5) The Board in making its recommendation, and the city manager in making the determination on such applications and proposed amendments, shall consider the factors prescribed in section 9-12-31.

(c) The decision on such applications ~~and proposed amendments~~ shall be part of the city manager's order setting forth the conditions of the taxicab industry pursuant to section 9-12-31.

(d) Upon amendment as to the number of vehicles the certificate holder shall forthwith surrender the old certificate to the city manager, and the city manager shall issue a new certificate to the certificate holder.

Sec. 9-12-31 Annual review of taxi industry.

(a) Between September 1 and ~~October 30~~ November 15 of each year, the Board and city manager shall conduct a review of the taxicab industry in Alexandria. The Board shall conduct a public hearing, after giving reasonable notice to all applicants, existing certificate holders and the public. The Board shall receive comment as to the economic condition of the taxicab industry, the adequacy of public service rendered by the industry, and whether any changes to the regulation of the industry are necessary or desirable, including changes to the number ~~and allocation~~ of authorized taxicabs.

(b) Performance information required to be submitted by certificate holders pursuant to section 9-12-~~27~~32 shall be considered by the Board and the city manager as part of the review.

(c) In reviewing applications to renew certificates of public convenience and necessity, ~~the allocation of authorized taxicabs among the certificate holders, and in reviewing applications for amendments to number of vehicles authorized under a certificate,~~ the Board and city manager shall consider the certificate holder's record of compliance with section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be affiliated with each certificate holder, as follows:

(1) The minimum number shall be based on a minimum ratio of dispatch trips per taxicab, which shall be established by regulation, sufficient to ensure that drivers have the opportunity to comply with the standards of dispatch service prescribed by regulation. The minimum number of authorized taxicabs for each certificate holder shall not be fewer than 10 percent less than the number then authorized, except, that the minimum number may be adjusted upward based on a finding of exemplary service provided by the certificate holder.

(2) The maximum number shall provide a sufficient number of taxicab authorizations for each certificate holder to provide a satisfactory level of dispatch service based on current and anticipated number of dispatch trips provided.

(3) In the event that the Board and city manager shall authorize the issuance of one or more new certificates, the minimum number of taxicabs authorized for each existing certificate holder may be further reduced by 5 percent below the current authorization.

~~give consideration to such factors as bear on public convenience and necessity, including, but not limited to:~~

~~(1) Whether additional taxicabs are requested to provide handicap accessible vehicles.~~

~~(2) The extent and character of the service offered by the several applicants.~~

~~(3) The demonstrated or prospective responsibility of certificate holders in regard to compliance with this article.~~

~~(4) The utilization of the numbers of authorized vehicles the certificate holder already has, particularly with reference to the existing and prospective ability to utilize the applied for, or authorized, numbers of taxicabs to the benefit of the taxicab-riding public.~~

~~(5) Such factors listed in section 9-12-25(d) as the Board and city manager deem applicable.~~

(d) ~~In reviewing the total number of authorized vehicles in the industry, t~~ The Board and city manager shall set the total number of vehicles to be authorized, and allocate to certificate holders any additional vehicle authorizations that may be issued, giveing consideration to such factors as bear on public convenience and necessity, including but not limited to:

1 (1) The demonstrated need on a company-by-company basis on the number of cabs
2 necessary to provide satisfactory public service, including ensuring adequate availability
3 of taxicabs for dispatch service and taxi stands;
4 (2) Changes in the number of trips actually served by taxicabs for each existing
5 company;
6 (3) The ability of current drivers to earn a living wage; and
7 (4) Such factors listed in section 9-12-25(d) as the Board or city manager deem
8 applicable.
9 (e) [Reserved – see subsection(i).]
10 (f) Giving consideration to the comments received at the public hearing, and to any
11 additional information made part of the record before it, the Board shall forward its
12 conclusions as to the status of the industry, and its recommendations as all matters
13 included in the annual review of the industry, to the city manager. The report shall
14 include the findings of fact upon which Board's conclusions and recommendations are
15 based. The report shall be transmitted to the city manager no later than November 15.
16 (g) Every second year, starting in 2005, the annual review of the taxicab industry
17 shall also include a review of the fares and industry fees, including a review of the base
18 fare, permitted additional charges and all fees charged to and by the certificate holders,
19 owners and drivers. The public hearing before the Board shall include comments on such
20 fares, charges and fees and any recommended changes thereof. The Board shall forward
21 its conclusions, recommendations and findings of fact as to such fares, charges and fees
22 as part of its report pursuant to section (f) of this section. In reviewing such fares, charges
23 and fees, the Board and city manager shall, without limitation, take the following factors
24 into consideration:
25 (1) Driver income compared to the City of Alexandria adopted living wage;
26 (2) Cost of industry related regulatory and enforcement expenditures; and
27 (3) Such factors listed in section 9-12-25(d) as the Board or city manager deem
28 applicable.
29 (h) Not later than December 15, the city manager shall issue an order stating the
30 manager's findings and conclusions as to the economic condition of the taxicab industry
31 and determinations as to any pending applications or proposals under section 9-12-30. In

issuing his order, the city manager shall presume that the factual findings of the Board are prima facie correct. If the manager disagrees with any of the recommendations of the Board the manager shall, with the issuance of the order, enumerate the reasons for not accepting such recommendations. The order of the city manager may be used by him in determining the public convenience and necessity under the provisions of this article.

(i) The city manager may approve ~~In reviewing~~ taxicab owner applications to transfer affiliation from one certificate holder to another certificate holder. In reviewing transfer applications, preference shall be given based on driver seniority to the extent feasible, and the Board and city manager shall give consideration to such factors as bear on public convenience and necessity including but not limited to:

(1) The individual and cumulative effect of the transfer on the transferee and transferor certificate holders;

(2) The individual and cumulative effect of the transfer on the applicant and other drivers. ~~and~~

(3) ~~Such factors listed in section 9-12-25(d) as the Board or city manager deem applicable~~ The satisfaction of all financial obligations to the existing certificate holder and acceptance by the new certificate holder.

Sec. 9-12-32 Requirements for certificate holders

Each certificate holder shall:

(a) Provide 24 hour service;

(b) Provide a radio dispatch service located within the boundaries of the city that meets the following:

(1) Dispatch must be provided 24 hours a day, 7 days a week;

(2) If less than 100 taxicabs are authorized under the certificate, dispatch may be provided 18 hours a day, 7 days a week until 1 year following [effective date], after which dispatch must be provided as set out in paragraph (1);

(3) If the certificate has been issued for less than 1 year, dispatch may be provided 18 hours a day, 7 days a week until 1 year following the date of issuance, after which dispatch must be provided as set out in paragraph (1);

(c) Provide the minimum level of service for passenger pick up and call response time as prescribed by regulation;

(d) Maintain a business office and required records within the boundaries of the city;

(e) Have affiliated a minimum of ~~10~~ 40 taxicabs under its color scheme, and a maximum of 50% of the total number of taxicabs authorized under this article; ~~Such minimum and maximum numbers may be amended, removed or reinstituted by the city manager, provided, however, that the proposal for same is considered as part of the annual review pursuant to section 9-12-31~~ provided, however, that the provisions of this section shall expire on [effective date plus 30 months].

(f) Provide a minimum of 1 vehicle, or 1 % of the vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation, and every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it is to be used for a handicap accessible vehicle only;

(g) Maintain a record of all taxicabs affiliated with the certificate holder, of the owners thereof and of all drivers thereof, including the current address and telephone number for each such owner and driver. This record shall be available at all times for examination and inspection by the director, hack inspector or any police officer and shall be preserved for 12 months;

(h) Provide an alternative dispute resolution process for disputes arising between owners and/or drivers of taxicabs and the certificate holder pursuant to Division 7 of this article;

(i) Provide and adhere to written policies setting forth service requirements for drivers affiliated with the certificate holder and specifying disciplinary actions that the holder will take in the event the requirements are not met. All such requirements and disciplinary actions and any revision that may from time to time be added by the certificate holder shall be provided to every affiliated driver and posted in a conspicuous location in the taxicab company offices;

(j) Not unreasonably withhold its agreement to allow an affiliated driver to transfer the authorization under which the driver is driving to another qualified driver.

(k) Provide a 30 day notice to drivers of any changes in stand dues and post such changes in a conspicuous location in the taxicab company offices with a clearly stated

reason for the change, and file such changes and reasons with the City, for informational purposes;

(l) Post the most current schedule of stand dues in a conspicuous location in the taxicab company offices;

(m) File with the city, in a manner prescribed by regulation, for informational purposes, the requirements and disciplinary actions required by subsection (i) and the stand due schedule and any changes required by subsection (k).

(n) Maintain monthly performance information and provide the following information to the city manager on a ~~monthly~~ periodic basis, no less than annually, in the manner prescribed by regulation:

(1) Dispatch call volume totals;

(2) Number of complaints by type;

(3) A schedule of current stand dues;

(4) Dispatch call volumes and detailed call and pick up data files; and

(~~3~~5) Such other information as may be prescribed by regulation.

~~(o) Maintain annual performance information and provide the following information to the city manager on an annual basis in the manner prescribed by regulation:~~

(o~~1~~) Provide on an annual basis in the manner prescribed by regulation ~~Annual~~ financial statements prepared in accordance with generally accepted accounting practices, including, but not limited to, a balance sheet, income statement and copies of pertinent income tax returns.

~~(2) A schedule of current stand dues;~~

~~(3) Dispatch call volumes and detailed call and pick up data files; and~~

~~(4) Such other information as may be prescribed by regulation;~~

(p) All information submitted to the city manager under this section shall include a statement that "It is unlawful for any certificate holder to make a false or misleading statement and the making of any false or misleading statement shall be grounds revocation of a certificate and criminal prosecution," and shall be signed by the certificate holder or authorized representative.

(q) All financial data information submitted pursuant to this section shall be kept confidential to the extent permissible under the Code of Virginia.

Sec. 9-12-33 Civil Penalties; revocation or suspension of certificates

(a) Any certificate holder who violates any provisions of section 9-12-32 shall be guilty of a class two civil violation.

(b) Certificates of public convenience and necessity may be ~~suspended~~ placed on probationary status for a period of 30 to 120 days, or revoked by the city manager for any of the following causes:

(1) Failure to ~~operate the authorized taxicabs~~ manage and operate the company and fleet in such a manner as to serve the public adequately;

(2) Failure to ~~maintain or~~ manage and operate the company and fleet in such manner as to cause the authorized taxicabs to be maintained in good order and repair;

(3) Failure to ~~maintain or~~ manage and operate the company and fleet in such manner as to cause the insurance required by this article o be maintained for the authorized taxicabs;

(4) Repeated and persistent violations by the certificate holder or by the drivers of authorized taxicabs of the Alexandria City Code or of the motor vehicle laws of Virginia.

(5) Failure to report any accident as required by this article;

(6) Failure to ~~pay or~~ manage and operate the company and fleet in such manner as to cause any fees lawfully assessed upon the ownership or operation of any vehicle licensed under this article to be paid;

(7) Failure to comply with the requirements of section 9-12-32; and

(8) Failure to comply with any other provision of this article.

(b) Prior to placing on probationary status or revoking any certificate, the city manager shall hold a hearing on the proposed revocation or ~~suspension~~ probation. The certificate holder shall have the right to present his case in person or be represented by counsel licensed to practice law in the Commonwealth of Virginia. The certificate holder shall be given at least 10 days' notice by personal service, or by regular and certified mail, to the address shown on the certificate, of the grounds for revocation or ~~suspension~~ probation and the time and place of the hearing thereon.

(c) The city manager shall notify the certificate holder by regular and certified mail directed to the address shown on the certificate, of his decision to revoke or ~~suspend~~ place on probationary status the certificate. Such decision notice shall include the

grounds for revocation or ~~suspension~~ probation and the length of time of ~~suspension~~ probation.

(d) A certificate holder whose certificate has been revoked may not reapply for a certificate for 365 days from the date of revocation.

(e) The city manager may ~~suspend~~ place on probationary status a certificate for such a period of time in excess of 120 days as he may, in his reasonable discretion, see fit.

(f) If a certificate is placed on probationary status, the city manager shall impose such terms and conditions as the manager deems reasonably necessary to bring the certificate holder into compliance. In the event the certificate holder fails to comply within the time stated by the city manager, the certificate shall be revoked by operation of law.

(~~f~~g) Disposition of vehicle authorizations from a revoked certificate. The vehicle authorizations held by a certificate holder whose certificate is revoked under this section shall be immediately returned to the city. Within ~~30 days from~~ 45 days prior to the date of revocation of the certificate, the city manager shall cause a public hearing to be held by the Board regarding the public interest in the disposition of the authorizations. The Board shall make a recommendation to the city manager as to the disposition of the authorizations. Within ~~45 days from~~ 21 days prior to the date of revocation, the city manager shall make a determination as to the disposition of the authorizations.

(~~g~~h) The city manager's decision to ~~suspend~~ place on probationary status or revoke a certificate may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the city manager applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the Court within ~~14~~ 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the Court. The Court may affirm or reverse the decision of the city manager, or vacate the decision and remand the matter with instructions.

Sec. 9-12-34 Authorizations not in use

(a) If a certificate holder fails to operate any authorized vehicles for more than 90 consecutive days, the authorization to operate such inactive vehicles shall terminate

automatically and revert to the City, and the city manager shall issue a new certificate for the lesser number of authorized vehicles that remain in use.

(b) The provisions of subsection (a) shall not be applicable to that portion of an increase in authorized vehicles granted under the provisions of section 9-12-30 for a period of 365 days after an increase in certificates is authorized.

Sec. 9-12-35 Grandfathered certificates

A certificate which was issued to an individual owner or driver prior to February 15, 1983, and remains in force and effect, including by renewal, on and after [effective date], shall be subject to the following provisions:

(a) The holder of such an individual certificate, who desires to transfer such certificate to a new holder must file an application for transfer on the form provided by the city manager.

(b) Except as provided in subsection (d), such certificate shall only be transferable if the holder of such individual certificate is leaving the Alexandria taxicab industry.

(c) Such certificate may only be transferred to the taxicab company with which the holder of such individual certificate is affiliated at the time of departure from the industry.

(d) The holder of such an individual certificate who has been terminated for any reason from the company with which he or she is affiliated, may request affiliation with another company, subject to compliance with the provisions of this section.

<u>(e) The provisions of section 9-12-32 shall not be applicable to renewals of grandfathered certificates held by an individual owner or driver.</u>

Secs. 9-12-36 through 9-12-40 reserved.

DIVISION 3 Driver's Permit

Sec. 9-12-41 Driver's permit required, display

No person shall operate a taxicab under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so driven, and no such taxicab shall be operated at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a driver's permit issued under the provisions of this division. Such permit shall be the property of the City, and shall be carried and displayed in a conspicuous place in the taxicab while being operated by the driver.

Sec. 9-12-42 Application.

(a) An application for a driver's permit under this division shall be made in writing under oath on forms provided for by the city manager, shall be filed with the hack inspector and shall provide the following:

(1) Pertinent personal data;

(2) Physical condition of the applicant.;

(3) Traffic record for ~~10~~ 5 years previous to the date of the application including what driver's licenses have previously been issued to the applicant, and whether such license has ever been revoked or suspended;

(4) Criminal record including state and local records;

(5) Prior driving experience; and

(6) Whether or not the applicant has ever been convicted, forfeited or entered a plea of nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof.

(b) Each applicant shall apply for the permit in person and have his or her fingerprints taken, which fingerprints shall constitute a part of the application.

(c) Each applicant shall file with the application 3 copies of a recent photograph, of a size designated by regulation, one of which shall be attached to and become a part of the application, another to be permanently attached to the permit, if issued.

(d) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution and for denial or revocation of this driver's permit."

Sec. 9-12-43 Charges for permit.

The fees and charges for an application for, and for the issuance and renewal of, a drivers permit shall be established by regulation, and no application shall be filed, and no certificate issued or renewed, unless and until such fees and charges shall have been paid.

Sec. 9-12-44 Medical examination

If the application indicates that the applicant's ability to safely operate a taxicab is reasonably in question, no driver's permit shall be issued or renewed until the applicant shall furnish a certificate from a reputable physician ~~within the city~~, certifying that, in such physician's opinion, the applicant's ability to safely operate a taxicab is not impaired.

Sec. 9-12-45 Investigation of applicant.

Upon the filing of any application for a driver's permit under this division, the chief of police shall make a thorough investigation of the character and traffic and criminal record of the applicant. Such investigation may include a local records check and a state records check. The result of this investigation shall be submitted to the hack inspector and to the Board upon appeal.

Sec. 9-12-46 Examination of applicant as to driving ability, etc.

Each applicant for a driver's permit pursuant to this division shall be required to pass an examination given under the direction of the hack inspector as to the applicant's ability to operate a taxicab and knowledge of the traffic laws of the city and state and the laws of this article.

Sec. 9-12-47 Driver Training

Each applicant and holder of a driver's permit pursuant to this division shall attend a driver training course that has been approved by the city prior to receiving a driver's permit or any renewal thereof.

Sec. 9-12-48 Company endorsement of driver

No person may apply for a driver's permit without the endorsement of a certificate holder. Such endorsement shall be on a form provided by the city, submitted with the application for a driver's permit, and shall indicate the certificate holder's company's consent to authorize the driver, if a driver's permit is issued by the city, to operate a taxicab under the certificate._

Sec. 9-12-49 Requirements for driver's permit

A driver's permit shall not be issued to any person who:

(a) Is under 18 years of age;

(b) Has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo contendere to a misdemeanor involving moral turpitude within the last 5 years; provided, however, that the Board may waive the provisions of this subsection if the Board determines that such waiver would not be contrary to the public interest;

(c) Has had a taxicab driver's permit or similar permit permanently revoked in any other jurisdiction;

(d) Has ever been convicted, pleaded guilty, or pleaded nolo contendere to a charge of hit and run, leaving the scene of an accident or any similar charge where injury to a person was involved;

(e) Has repeatedly been convicted, pleaded guilty, pleaded nolo contendere, or forfeited collateral for violations of the traffic or safety laws of any city, state or the federal government;

(f) Has not provided a written endorsement of a certificate holder;

(g) Has not held a valid motor vehicle operator's license for a period of at least 6 months;

(h) Has not completed the driver training course required by section 9-12-47, or

(i) Does not have a valid work authorization the Immigration and Naturalization Service, if required.

Sec. 9-12-50 Issuance or denial of driver's permit by chief of police

(a) If the chief of police finds that an applicant has satisfied the requirements of this division the chief of police shall issue a driver's permit to the applicant.

(b) If the chief of police finds that an applicant has not met the requirements of this division, or that issuance of a driver's permit to the applicant would jeopardize the health, safety or welfare of the public, the chief of police shall deny the application, and ~~send~~ give written notice thereof, including the reasons for the denial, to the applicant.

(c) The city manager may by regulation provide for a program for the issuance of temporary drivers permits. If upon review of the application, including a local criminal check, the chief of police finds no reason to deny the application, and if the applicant has passed the examination prescribed by section 9-12-46, a temporary permit may be issued to the applicant as provided by regulation. Any such temporary permit shall be valid for no more than 60 days from the date of issuance.

Sec. 9-12-51 Appeal of a denial of a driver's permit

(a) When an application for a driver's permit under this division is denied, the applicant may appeal to the Board.

(b) Such applicant shall, within 10 days after being notified of the denial, file in writing with the hack inspector, a notice of appeal. The hack inspector shall schedule a public hearing before the Board within a reasonable time. Notice of the hearing shall be given to the applicant at least 10 days before the hearing date.

(c) The hack inspector shall immediately notify the applicant in writing of the Board's decision.

(d) The Board shall have authority to affirm or reverse the decision appealed from. If the Board finds for the applicant, the chief of police shall issue the driver's permit. If the

Board finds against the applicant, the decision of the chief of police shall stand. The action of the Board on appeal shall be final.

(e) There shall be no rehearing and any such applicant shall not be considered for a period of at least one year after denial.

Sec. 9-12-52 Information to be shown on permits.

Each driver's permit issued pursuant to this division shall at minimum contain the following information:

(a) The permit number;

(b) The name of the driver;

(c) A photograph of the driver;

(d) The date of expiration; and

(e) A statement that the permit is issued subject to the provisions of this article and may be suspended or revoked pursuant to the provisions of this article.

Sec. 9-12-53 Expiration of permit

Each driver's permit issued under this division, except for a 60 day temporary permit, shall expire two years from the date of issuance, unless sooner suspended or revoked.

Sec. 9-12-54 Renewal of permit.

A driver's permit may be renewed for successive periods of two years, provided that the procedure set forth for original applications is followed, including proof of compliance with the driver training requirement pursuant to section 9-12-47

Sec. 9-12-55 Permits nontransferable.

No driver's permit issued under this division shall be transferable.

Sec. 9-12-56 Records and Reporting Requirements

(a) Accident reports. The driver of every taxicab shall report within ~~5 days~~ 24 hours, to the hack inspector, every accident, however slight, in which a taxicab or any other vehicle operated by such driver is involved.

(b) Manifest. Every taxicab driver shall keep, on a form prescribed by the city manager, a manifest, which shall, at minimum, record the place, date and time the transportation of each paying passenger commenced and terminated, and the amount of the fare, all of which shall be recorded immediately upon the termination of each trip ~~and before transport of another passenger begins~~. All manifests shall be subject at all times to examination or inspection by ~~any duly authorized city official~~ the director, the hack inspector or any police officer. Every manifest shall be kept and preserved for 12 months, and shall be submitted to the director as required by regulation. Upon request, manifests shall be made available for inspection by the owner or the certificate holder, within 6 hours after request.

(c) Disposition of property left in vehicles. Every driver of a taxicab shall carefully preserve any money or other property left in the taxicab and shall promptly turn over such money or other property to the taxicab company. All taxicab companies shall maintain a lost and found for such property and shall report all property so received to the hack inspector, as prescribed by regulation. Such money or other property shall be surrendered promptly to the owner, upon identification and proof of ownership.

(d) Drivers to report changes of affiliation. Every driver of a taxicab shall immediately notify the hack inspector when he changes his affiliation to another taxicab company.

Sec. 9-12-57 Service requirements

The following are minimum service requirements that must be met by all drivers holding a driver's permit issued under this division:

(a) Additional passengers. No driver already engaged with a passenger shall take an additional passenger, except with the consent of both passengers.

(b) Unlawful use of vehicles. No driver shall use or permit the use of any taxicab for soliciting business for any person or house of ill repute, for selling intoxicating liquors, for lewd or indecent purposes or for transporting persons to houses of ill repute or places used for lewd indecent purposes.

(c) Entering and leaving vehicles. No driver shall allow a passenger to enter or leave any taxicab except along the curb of a street.

(d) Stopping in intersections to load or unload prohibited; interfering with traffic. No driver of any taxicab shall stop, load or unload any passengers in the intersection of any streets or on any crosswalk. No such driver shall in any way impede or interfere with the orderly flow of traffic on the streets.

(e) Priority of calls for service. Every driver of a taxicab shall give preference in answering calls for service in the order of receipt of such calls.

(f) Nonpaying passengers. No nonpaying passenger shall be transported in a taxicab with a paying passenger, except bona fide officers or employees of the owner or certificate holder, or a police officer engaged in the performance of his duty.

(g) Drivers to take shortest route to destination. The driver of each taxicab shall drive the same over the shortest practical route from the point of engagement to the destination of the passenger or passengers.

(h) Number of passengers. No driver of a taxicab shall carry at any one time more adult passengers than the number for which the vehicle was designed.

(i) Passengers to occupy rear seat first. shall fill the rear seat before using the front seat, and no driver shall carry a passenger in the front seat unless the back seat is filled, except when otherwise requested by a passenger.

(j) Loitering at taxi stands. No driver shall loiter or congregate with others in sidewalks adjacent to a taxi stand.

(k) Cruising. The city manager may prohibit cruising throughout the city or in designated areas within the city in times of emergency, or at other times when some activity takes place within the city which will produce abnormal traffic congestion and danger to pedestrians and the city manager finds that cruising would add to the congestion and danger. No such prohibition may be issued, except in case of an emergency, without notice and public hearing before, and a recommendation from the Board. When the city manager has issued such prohibition, it shall be unlawful for any person to cruise in the area designated.

(l) Refusal to carry passengers. No driver of a taxicab shall refuse or neglect to convey any orderly person, upon request, unless previously engaged, off duty, or unable or forbidden by the provisions of this article to do so.

(m) Cleanliness and appearance of drivers. Drivers of taxicabs shall be clean and dressed in neat, clean clothing at all times when serving the public. Whenever a driver's appearance is significantly changed by haircut or hair style, or modification, addition, or removal of a beard, moustache, side burns, toupee, wig, hair coloring, or the like, he shall submit within 30 days of such change ~~3~~ two copies of a new photograph of himself in compliance with the requirements of section 9-12-42.

(n) Responding to dispatch calls. Every driver shall comply with the standards of dispatch service prescribed by regulation.

(o) Complying with service regulations. All drivers shall comply with customer service related provisions prescribed by regulation.

(p) Complying with company service standards. Every driver shall comply with the service requirements issued by the taxicab company with which the driver is affiliated.

Sec. 9-12-58 Temporary suspension of permits

The chief of police or the hack inspector shall have the power to suspend any driver's permit for a period not to exceed five days for any one or more of the following causes:

(a) Any violation of section 9-12-57; or

(b) Any violation of section 9-12-60.

Sec. 9-12-59 Appeal from temporary suspension

Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-12-58, the driver may appeal to the Board, by filing a written notice of appeal with the hack inspector, within five days after being notified of his suspension. The hack inspector shall thereupon schedule, within a reasonable time, a hearing before the Board. Notice of such hearing shall be given the applicant at least five days before the hearing. Any suspension shall be stayed pending the hearing before and decision of the Board. The Board shall have authority to affirm, reverse or modify the suspension appealed from. The action of the Board shall be final and there shall be no rehearing.

Sec. 9-12-60 Suspension and revocation of permits by the board.

(a) The Board shall have the power to suspend or revoke any driver's permit issued under the provisions under this division for any one or more of the following causes:

(1) Violation of any law involving moral turpitude;

(2) Failure to report any accident in which the driver is involved;

(3) Violation of any law prohibiting the operation of motor vehicles while under the influence of any intoxicating beverage, controlled substance or drug;

(4) Operation of a taxicab known by the driver not to be in good order or safe repair;

(5) Repeated violations of traffic or safety laws of local, state or federal government;

(6) Being impaired by a disease or infirmity which makes the driver an unsafe driver;

(7) Violation of any law prohibiting hit and run driving, leaving the scene of an accident or similar law;

(8) Failure to serve the public adequately;

(9) Making a false statement prohibited by section 9-12-5 of this code;

(10) Repeated failure to be clean and dressed in neat, clean clothing at all times when serving the public;

(11) Doing any act or failing to do any act which act or omission jeopardizes the health, safety or welfare of the public;

(12) Repeated suspension pursuant to section 9-12-58 of this code;

(13) Repeated or egregious rude or discourteous conduct towards a passenger; or

(13~~3~~4) Violation of any other provision of this article.

(b) In any hearing by the Board under this section, a conviction, plea of nolo contendere or forfeiture shall be conclusive evidence of a violation.

(c) The hack inspector shall give the holder of the permit at least 10 days notice by personal service or by certified mail to the address shown on the permit of the grounds for suspension or revocation and the time and place of hearing.

(d) The Board shall conduct a public hearing, and the city attorney, when requested by the hack inspector, shall present the case against the permit holder. The permit holder may present his own case or be represented by counsel.

(e) If the Board finds that one or more of the causes specified in subsection (a) exists, the Board shall suspend the driver's permit for not less than 30 days nor more than 120 days, or the Board may revoke the driver's permit, as it may in its discretion see fit.

(f) When a driver's permit has been revoked, no application for a new permit shall be accepted for one year following the revocation.

(g) The Board's decision to suspend or revoke a driver's permit may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the Board applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the Court within ~~14~~ 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the Court. The Court may affirm or reverse the decision of the Board, or vacate the decision and remand the matter with instructions.

Secs. 9-12-61 through 9-12-70 reserved.

DIVISION 4: Vehicle Permits

Sec. 9-12-71 Vehicle permit required; display.

No taxicab shall be operated under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so operated, and no such taxicab shall be operated at any time for hire, unless the owner of such taxicab shall have first obtained and shall have then in force a vehicle permit issued under the provisions of this division. Such permit shall be the property of the City, and shall be carried and displayed in a conspicuous place in the taxicab.

Sec. 9-12-72 Application.

(a) An application for a vehicle permit under this division shall be made in writing under oath on forms provided by the city manager; shall be filed with the hack inspector and shall contain at minimum the following information:

(1) Full name of the applicant;

(2) Applicant's current address;

(3) Make, model and year of the vehicle;

(4) Description of the insurance policy covering the vehicle;

(b) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution or denial or revocation of this vehicle permit."

Sec. 9-12-73 Charges for vehicle permit.

The fees and charges for an application for, and for the issuance and renewal of, a vehicle permit shall be established by regulation, and no application shall be filed, and no vehicle permit issued or renewed, unless and until such fees and charges shall have been paid.

Sec. 9-12-74 Issuance of permit; inspection of vehicle

Upon receipt of an application for a vehicle permit, the hack inspector shall make or cause to be made an inspection of the vehicle. If the vehicle complies with the provisions

of this division and with the regulations promulgated pursuant to this article, the hack inspector shall issue a vehicle permit for such vehicle. If the vehicle is found by the hack inspector not to meet the requirements, the hack inspector shall notify the applicant of all defects which must be remedied for the permit to be issued ~~and shall set a date for re-inspection~~. If the defects are not corrected on re-inspection, the application for a vehicle permit shall be denied.

Sec. 9-12-75 Information to be shown on permits.

Each vehicle permit issued pursuant to this division shall contain at minimum the following information:

(1) Vehicle permit number

(2) Name of the certificate holder under whose certificate the vehicle will be operated;

(3) Name of the owner;

(4) Expiration date;

(5) Year, make, model and Vehicle Identification Number (VIN);

(6) Make and serial number of radio and taximeter; and

(~~6~~7) the fact that the permit is issued subject to the provisions of this article and may be suspended or revoked if the provisions of this article are violated.

Sec. 9-12-76 Expiration of permit.

All vehicle permits issued under this division shall expire ~~one year from the date of issuance of the permit~~ on June 30 next after issuance, unless sooner suspended or revoked.

Sec. 9-12-77 Renewal of permit.

A vehicle permit may be renewed, provided the applicant follows the procedure set forth for original applications. The renewed permit shall expire one year from the date of issuance.

Sec. 9-12-78 Permit nontransferable.

No vehicle permit may be transferred to another owner or to another vehicle ~~unless and until the hack inspector has inspected the vehicle and determined that the vehicle complies with all requirements for a new permit~~. If a vehicle ceases to be used as a taxicab, the permit shall forthwith be surrendered to the hack inspector, and a new permit applied for and obtained for the replacement vehicle, if any.

Sec. 9-12-79 Suspension of permits

(a) The chief of police or the hack inspector shall have the power to suspend a vehicle permit for a period not to exceed five days for one of the following causes:

(1) Failure to maintain the taxicab in good order and repair.

~~(2) Failure to maintain insurance as required by this article.~~

(2) Violation of the requirements set forth in Section 9-12-81 of this division.

(b) The chief of police or the hack inspector shall have the power to suspend a vehicle permit until such time that the vehicle is safe to operate if the vehicle is found to be in violation of Section 9-12-80 of this division.

(c) The chief of police or the hack inspector shall have the power to suspend a vehicle permit until such time that the vehicle is insured as required by Section 9-12-6 of this article.

Sec. 9-12-80 Vehicles to be in safe condition.

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall be kept at all times in proper and safe mechanical and operating condition to the satisfaction of the hack inspector.

Sec. 9-12-81 Requirements for vehicles

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall at all times comply with the following minimum standards:

(a) Vehicles to be clean. All taxicabs shall at all times be kept clean and sanitary to the satisfaction of the hack inspector.

(b) Ventilation of vehicles; lights. Every taxicab shall be ~~sufficiently ventilated, and efficiently lighted at night~~ equipped with properly functioning heating, air conditioning and windows and passenger cabin lights.

(c) Body types of vehicles; seating capacity. Every taxicab shall be of a vehicle type approved by regulation with four doors, at least two seats and not less than five-passenger capacity; provided, however, that any taxicab, otherwise in compliance with the provisions of this article may, upon the written application to and approval of the city manager, and having only three (3) doors, may be used to provide transportation to handicapped or otherwise physically disabled persons.

(d) Shades and curtains. No taxicab shall be equipped with shades or curtains which can shield any occupant from observation.

(e) Speedometers. Every taxicab shall be equipped with a standard speedometer, properly installed and kept in good working order at all times.

(f) Rear-view mirror. Every taxicab shall be equipped with an adjustable rear-view mirror, properly installed.

(g) "Off duty" signs. Every taxicab shall carry, prominently displayed on the front windshield, a sign bearing the words "Off Duty," whenever the vehicle is driven by an operator other than a duly licensed taxicab driver, or is transporting a nonpaying passenger, or is not in service.

(h) Information to be displayed on outside of vehicle.

(1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least two and one-half inches high the word "taxicab" or "cab."

(2) The certificate number under which the taxicab is operated, clearly visible, shall be placed on the rear and on each side of each taxicab.

(3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost ~~of $0.75 per sticker~~ established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(i) Display of permit. Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.

(j) Display light. Every taxicab shall be equipped with a plainly visible light signal on the exterior of the cab of a design approved by the hack inspector, which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.

(k) Two way radios. Every taxicab shall be equipped with a two way radio, properly installed and kept in working order at all times. Such radios shall be operated in compliance with the regulations of the Federal Communications Commission. Each radio unit will have the ability to conduct a two way conversation with the taxicab dispatcher. The hack inspector shall be provided with the serial number of each radio.

(l) Age of vehicles. Except for hybrid or alternative fuel vehicles, no vehicle permit shall be issued for a taxicab that is older than eight model years; provided, however, that a taxicab that was lawfully being operated as of [effective date], may continue in operation until [effective date plus two years], provided such vehicle complies with all other provisions of this article. No vehicle permit shall be issued for a hybrid or alternative fuel taxicab that is older than ten model years; provided, however, that such a taxicab that was lawfully being operated as of [effective date], may continue in operation until [effective date plus two years], provided such vehicle complies with all other provisions of this article.

(m) Taximeters. Every taxicab shall be equipped with a taximeter in compliance with section 9-12-131.

(n) Bumper stickers. A taxicab may display not more than two bumper stickers at one time, each not larger than ten inches by three inches, which may be placed on the rear bumper of the vehicle only, and which shall be maintained in neat and clean condition. Notwithstanding the foregoing provision, a certificate holder may, by company policy of uniform application, prohibit the display of all bumper stickers on affiliated vehicles.

Secs. 9-12-82 through 9-12-110 reserved.

DIVISION 5 Taxicab Stands

Sec. 9-12-111 Establishment of stands.

The Board may establish taxicab stands at such places as it deems necessary for the public convenience. The Board's may act on its own motion or on the written application of any abutting owner, after a public hearing and 15 days notice to the public and to the owner of the property abutting and across the street from the proposed taxicab stand. No stand shall be established which would tend to create a traffic hazard or aggravate an already existing hazard.

Sec. 9-12-112 Abolition of stands.

(a) The Board may, after notice and public hearing, abolish any taxicab stand which in its opinion is either:

(1) No longer necessary for the taxicabs or for-hire vehicles using it;

(2) No longer in the best interest of the public convenience;

(3) Creating an unduly hazardous traffic condition; or

(4) Adversely affecting nearby property or the occupants thereof.

(b) The action of the Board shall be final.

Sec. 9-12-113 Doing business on street at other than duly established stands.

It shall be unlawful for any owner or driver of a taxicab or certificate holder to use as a place of business any parking meter space in the city or any portion of a street except at an authorized stand. For the purpose of this section, the actual transportation of passengers and the loading and unloading of passengers shall not be construed as doing business, but parking or standing while waiting for fares, calls, or dispatch shall be construed as doing business.

Sec. 9-12-114 Use of stands

(a) Except as provided in section (b), vehicle stands shall be used only by on duty drivers authorized to perform taxicab services by this article.

(b) Any person shall have the right to stop temporarily in any taxicab stand for the purpose of discharging or receiving passengers or for loading or unloading merchandise, and the owner or occupant of the abutting property shall have reasonable right of ingress and egress, but no person other than the driver of a taxicab authorized to use such stand shall park therein.

Sec. 9-12-115 Drivers to attend and keep near vehicles at stands.

Drivers of taxicabs parked at any taxicab stand, shall at all times keep their taxicab attended and remain within 20 feet of their taxicab.

Secs. 9-12-116 through 9-12-130 reserved.

DIVISION 6 Fares

Sec. 9-12-131 Taximeters.

(a) All taxicabs shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically or electronically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. It shall be inspected and certified by the hack inspector at an annual cost ~~of $5~~ determined by regulation for each meter, at all points and connections which, if manipulated, would affect its correct reading and recording. Each taximeter shall be equipped with a ~~movable lever or flag to denote~~ mechanism or display which indicates when the vehicle is engaged and when it is not engaged; and the driver shall actuate the taximeter at the commencement of each trip and stop the taximeter at the termination of each trip. Any taximeter shall be subject to inspection upon demand by the hack inspector, or any police officer, and if the taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be operated until the taximeter is repaired, inspected and certified by the hack inspector.

(b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-133, any provision of this section in conflict with the terms and conditions of such contract shall not apply.

Sec. 9-12-132 Amount of fare to be charged.

(a) The rates to be charged to passengers in taxicabs shall be as follows, and it shall be unlawful to make any greater or lesser charge:

(1) For the initial meter charge (referred to as the first drop), $2.25.

(2) For the second and for each additional passenger who is five years of age or older, $1.25.

(3) For each one-fourth mile or fraction thereof for one or more passengers, $0.40.

(4) For each one hour of waiting time for one or more passengers, $18. The incremental cost of this charge shall be $0.40 for each 80 seconds. Waiting time shall

include time consumed while the taxicab is waiting and available to passengers beginning three minutes after the time of arrival at the place to which it has been called, time consumed while the taxicab is stopped or slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or stopovers enroute at the direction of a passenger. No time shall be allowed for a premature response to a call. There shall be no charge for mileage when time is being charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time shall not include time lost on account of the inefficiency of a taxicab.

(5) For each suitcase or similar piece of travel luggage placed in the trunk, $0.50 if handled by the driver.

(6) For each trunk, footlocker, duffel bag or other bulky or heavy item, $2, if handled by the driver, provided that there will be no charge for wheelchairs, walkers, crutches or other items used to assist persons with disabilities.

(7) For three or more grocery and/or shopping bags, $1, if handled by the driver in the immediate vicinity of the taxicab, plus an additional $1, if carried by the driver to the door of a single-family residence, or the main entrance of any building other than a single-family residence. There shall be no charge made for fewer than three grocery and/or shopping bags. The maximum charge for all grocery and/or shopping bags shall be $2.

(8) For each animal, $1; provided, that there shall be no charge for guide dogs or service animals assisting persons with disabilities.

(9) For each trip originating at Ronald Regan Washington National Airport, the fee required to be paid to the airport for the privilege of picking up passengers.

(10) Taximeter fares may be increased by $5 during any period in which a snow emergency plan is in effect in the city, as declared by the city manager or his authorized representative. The transportation division of the department of transportation and environmental services will notify each taxicab company by telephone of the exact time the snow emergency plan is to go into effect and the exact time that the snow plan is terminated.

(11) Taximeter fares may be increased by a surcharge authorized by the city manager, in the event that the city manager determines that a sudden increase in the cost of

gasoline requires a surcharge to maintain stability in the provision of taxicab services in the city and to prevent the gas cost increase from having a serious adverse financial impact on the drivers of taxicabs. The surcharge shall continue in effect for such period, not to exceed one year, as the city manager shall determine, but may be terminated sooner if the manager determines that the surcharge is no longer warranted. The determination of the city manager shall be based on information provided by taxicab companies, and from such other sources as the city manager deems appropriate. The transportation division of the department of transportation and environmental services will notify each taxicab company in writing of any such surcharge. Such notice shall indicate the amount of the surcharge, and the period during which such surcharge shall be permitted. The hack inspector shall furnish to the driver of each taxicab operated under this article a copy of such notice, which shall be displayed within the vehicle in addition to the rate card required under section 9-12-134.

(b) This section shall not apply when any taxicab is operated pursuant to a contract provided for in section 9-12-133 of this chapter.

Sec. 9-12-133 Taxicab services and fares for elderly or physically handicapped persons, or for other specifically authorized services, pursuant to a contract between an owner and the city or a nonprofit private or public organization.

Any certificate holder may enter into a contract, on an annual or semiannual basis, with the city or any nonprofit private or public organization to provide taxicab services for elderly or for physically handicapped persons, or for other specific services to the general public, as specified in the contract, under a fare schedule agreed upon in the contract. Any person operating a taxicab pursuant to such a contract shall comply with all other provisions of this article.

Sec. 9-12-134 Display of rate of fare by card.

(a) Every taxicab shall have displayed in such a place within the vehicle as to be in view of passengers a rate card to be furnished by the hack inspector, at a cost ~~of $0.50~~ <u>established by regulation</u>, showing the rates prescribed by this article.

(b) The rates shall also be displayed so as to be visible from the inside and outside of the vehicle as provided in section 9-12-94.

Sec. 9-12-135 Refusal of passenger to pay legal fare.

It shall be unlawful for any person to ride in a taxicab with intent to obtain passenger service without paying the lawful fare under the schedule set out in section 9-12-132 or 9-12-133, whichever applies. Refusal to pay for service shall be prima facie evidence of such intent under this section

Sec. 9-12-136 Receipts for amounts charged.

The driver of any taxicab shall, upon request by a passenger, provide a written receipt for the amount charged, stating the name of the driver, driver's permit number, vehicle permit number, company name, amount of fare and additional charges and the date of the transaction. Such receipt shall also include the taxicab company's phone number and the hack inspector's phone number and state that complaints as to fares and services may be made to either or both the company and the hack inspector.

Sec. 9-12-137 Carrying additional passengers when engaged.

Once a passenger has engaged and entered a taxicab for taxicab services, no other person shall be transported in such taxicab until the destination is reached without the consent of such passenger.

Sec. 9-12-138 Carrying several passengers to different destinations.

If two or more passengers, bound for different destinations, agree to engage a taxicab for taxicab services, the fare shall be allocated as follows: whenever a passenger gets out and pays the fare, the meter shall be reset upon that passenger's departure, but when the departing passenger does not pay the fare, the meter shall not be reset and the full fare shall be paid by the last passenger delivered.

Secs. 9-12-139 through 9-12-140 reserved.

DIVISION 7. Dispute Resolution

Section 9-12-141 Scope.

The provisions of this division shall apply to every certificate of public convenience and necessity issued under division 2 of this article; to every driver's permit issued under division 3 of this article; to every person who operates a taxicab subject to this article, and to every person who suffers, permits or allows the operation under such person's color scheme, insignia or trade name, of a taxicab subject to this article, from and after [effective date].

Section 9-12-142 Required conditions.

Every certificate of public convenience and necessity issued under division 2, and every driver's permit issued under division 3, of this article, and the right to operate a vehicle, or to suffer, permit or allow the operation of a vehicle under a person's color scheme, insignia or trade name, pursuant to this article shall be subject to the following terms and conditions:

(a) The license or permission held by any person who holds a valid driver's permit under division 3 to operate a vehicle under a taxicab company's color scheme shall not be terminated, suspended or impaired, and such driver's right to enjoy the resources and benefits provided by such company on the same basis as other similarly situated drivers for the company shall not be terminated, suspended or impaired, except where such termination, suspension or impairment is reasonable and for good cause.

(b) For purposes of this section, "good cause" means one or more of the causes set forth in section 9-12-58 of this code for the temporary suspension of a driver's permit by the chief of police or hack inspector; one or more of the causes set forth in section 9-12-60 of this code for the suspension or revocation of a driver's permit by the Board, or a material failure of a driver to comply with established, written rules or practices of the company or to perform in accordance with his or her written contract with the company, after reasonable notice and an opportunity to comply or perform.

(c) Nothing in this section shall be deemed to impair the authority of the chief of police, hack inspector or Board under this article.

Section 9-12-142 Dispute resolution procedures.

Disputes subject to the provisions of this division shall be subject to the following procedures:

(a) Disputes shall first be the subject of an internal grievance procedure which shall be conducted as follows:

(1) The aggrieved party shall submit a complaint in writing to the taxicab company within 30 days from the date of the company's action, containing a written statement of the matter in dispute and the names, addresses and telephone numbers of each party to the dispute.

(2) Within two weeks after the submission of the written complaint, the company shall appoint a representative from within the company to hear the dispute. Such representative shall be impartial, and shall have had no direct or indirect involvement in the dispute.

(3) Within two weeks after said appointment, the representative shall conduct an informal hearing concerning the dispute.

(4) Both parties shall use best efforts to resolve the dispute.

(5) Within two weeks after the hearing has been concluded, the company representative shall render a written decision.

(b) If the dispute is not resolved through the internal grievance procedure, ~~either party may elect to initiate mediation of the dispute, which shall be conducted as follows:~~ both parties may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).

(c) Informal or formal mediation.

(1) Within two weeks after the internal grievance procedure has been concluded, any party requesting mediation shall submit a written notice requesting mediation to all parties.

(2) Within two weeks after such notice has been submitted, the parties may agree to an impartial person ~~shall be agreed upon by the parties~~ to mediate the dispute in an informal process. ~~or,~~ If the parties do not so agree, the ~~party requesting mediation shall~~ parties may in the alternative agree to submit a written Request for Mediation to the

American Arbitration Association (AAA) ~~and simultaneously mail a copy of the Request for Mediation to every party to the dispute~~. If the parties are unable to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).

(3) A Request for Mediation shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.

(4) The mediator shall notify all parties of the time, date and place of the mediation.

(5) The costs of the mediation shall be borne equally by the parties unless they agree otherwise in writing.

(6) The mediation~~, whether~~ conducted by AAA ~~or another mediator chosen by the parties,~~ shall be in substantial accord with the American Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such rules shall be available at ~~the Alexandria Hack Office~~ city hall.

(7) The mediator may end the mediation if, in the sole discretion of the mediator, the continuation of the mediation would not be useful.

(8) The parties in mediation shall use their best efforts to resolve the issues in controversy and the mediator may execute a written settlement agreement if agreed on by the parties but may not impose a settlement on the parties.

(~~c~~d) Where neither the internal grievance procedure, nor mediation if attempted, has resolved the issues in dispute, either party may submit the matter to arbitration, which shall be binding upon the parties. Such arbitration shall be conducted as follows:

(1) Within two weeks after the mediation process or the internal grievance procedure has been concluded, the party requesting arbitration shall submit a written notice of intent to arbitrate to all parties.

(2) Within two weeks after such notice has been submitted, an impartial person to arbitrate the dispute shall be agreed upon by the parties, or, if the parties do not so agree, the party requesting arbitration shall submit a written Request for Arbitration to the American Arbitration Association (AAA) and simultaneously mail a copy of the Request for Arbitration to every party to the dispute.

(3) A Request for Arbitration shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.

(4) The arbitrator shall notify all parties and their representatives, if any, of the time, date and place of the arbitration.

(5) The costs of the arbitration shall be borne ~~equally by the parties~~ by the party which does not prevail, unless ~~they~~ the parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if there is no prevailing party.

(6) The arbitration, whether conducted by AAA or another arbitrator chosen by the parties, shall be in substantial accord with the American Arbitration Association Commercial Arbitration Rules, R-1 through R-56. Such rules shall be made available to all parties at the Alexandria Hack Office.

(7) The arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator, continuation of the hearing would not be useful.

(8) Within two weeks after the arbitration hearing has been concluded, the arbitrator shall render an award in writing, which shall be binding upon the parties and which may be enforced by any court having jurisdiction over the parties.

(~~d~~e) For purposes of this section, "dispute" means a disagreement between a person who holds a division 3 permit and the company under whose colors he or she drives over whether an action taken by the company to terminate, suspend or impair such person's license or permission to drive under the company's colors, or to terminate, suspend or impair his or her right to enjoy the resources and benefits provided by the company, on the same basis as other similarly situated company drivers, was reasonable and based upon good cause.

Section 9-12-143 Penalties.

A knowing failure to adhere to the dispute resolution procedures established by this division shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in addition, constitute grounds for suspension or revocation of a certificate of public convenience and necessity issued under division 2, or driver's permit issued under division 3, of this article.

Section 9-12-144 Regulations.

The city manager may promulgate such regulations as deemed advisable for the administration and enforcement of this division 7.

Section 9-12-145 through Section 9-12-150 reserved.