

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 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 penalties.

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

Alexandria United Taxi Operators

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 dues 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 not be able to accept any 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 loss.

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 loss 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 than 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 names of 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 public's 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.

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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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:

EXHIBIT 1

[Underlining and strikeouts indicate changes from prior draft.]

1 **ARTICLE A.1: Taxicabs**

2 **DIVISION 1: Generally**

3 **Sec. 9-12-1 Definitions.**

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

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

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

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

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

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

18 (5.1) Dispatch service. The provision of taxicab service in which requests for service
19 are received at a central facility by telephone, in person, or other means, and
20 communicated to drivers by two-way radio, or other data communication service with
21 equivalent functionality.

22 (6) Driver. The person operating any taxicab.

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

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

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

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

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

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

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

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

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

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

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

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

29

1 **Sec. 9-12-2 Compliance with article**

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

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

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

10

11 **Sec. 9-12-3 Hack inspector.**

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

18

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

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

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

24

25 **Sec. 9-12-5 False statements prohibited.**

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

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

4
5 **Sec. 9-12-6 Insurance or bond required.**

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

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

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

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

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DIVISION 2 Certificates of Public Convenience and Necessity

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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;

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

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

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

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

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

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

14 (d) Such forms shall include a statement that "It is unlawful for any person to make a
15 false or misleading statement in connection with this application and the making of any
16 false or misleading statement shall be grounds for denial of the application or subsequent
17 revocation of a certificate, and for criminal prosecution."
18

19 **Sec. 9-12-23 Fees**

20 The fees and charges for an application for, and for the issuance and renewal of, a
21 certificate shall be established by regulation, and no application shall be filed, and no
22 certificate issued or renewed, unless and until such fees and charges shall have been paid.
23

24 **Sec. 9-12-24 Investigation of applicant.**

25 Upon the filing of any application for a certificate, the chief of police shall make or cause
26 to be made a thorough investigation of the character, and traffic and criminal records, of
27 the applicant. The results of this investigation shall be submitted to the city manager on
28 or before the public hearing held under section 9-12-25.
29
30

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

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

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

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

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

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

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

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

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

- 1 (5) The adequacy of existing taxicab service and other forms of transportation for
2 passengers already in existence.
- 3 (6) The probable permanence and quality of the service offered by the applicant.
- 4 (7) The financial status, character and responsibility of the applicant as demonstrated
5 by the applicant's ability to provide, maintain and operate the number of vehicles
6 proposed to be operated in accordance with the character of service proposed in the
7 application, the applicant's criminal and traffic record and the applicant's credit record, if
8 any.
- 9 (8) The experience of the applicant in taxicab operations as an owner or manager or
10 as a taxicab driver; and
- 11 (9) The effect on promoting competition and improving the quality of taxi service
12 provided in Alexandria.
- 13 (f) Decision: The city manager may grant the certificate of public convenience and
14 necessity applied for and approve the number of taxicabs requested by the applicant or
15 approve a lesser number of taxicabs than requested, or the city manager may deny the
16 certificate. If the city manager denies the certificate or grants the certificate with a lesser
17 number of taxicabs than requested by the applicant, the city manager shall notify the
18 applicant by certified mail.
- 19 (g) Re-application: An applicant may not reapply for a certificate, or for the
20 authorization of additional taxicabs, for one year from the date of decision by the city
21 manager.

22

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

- 24 (a) The certificate of public convenience and necessity shall state the following:
- 25 (1) The name, home and business address of the certificate holder and registered
26 agent or other person to whom legal process may be served or notice given.
- 27 (2) The maximum number, kind and class of vehicles authorized, the seating capacity
28 of each, the equipment of each vehicle and the lettering, marks and color scheme to be
29 used on each vehicle.
- 30 (3) The date of issuance; and

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

3 (b) Every certificate shall expire on ~~June 30~~ December 31 next after issuance. Before
4 expiration, each certificate holder shall file a renewal application with the hack inspector
5 pursuant to section 9-12-27. Grandfathered certificates held by individuals under section
6 9-12-34 shall be valid from the date of issuance until the last day of the birth month of
7 the individual certificate holder. In cases of death, sickness or unusual circumstances, the
8 city manager may authorize the continued operation of an existing certificate until the
9 following September 1.

10
11 **Sec. 9-12-27 Renewal of certificate.**

12 Each certificate holder shall file an application for renewal of the certificate with the
13 hack inspector ~~prior to the expiration of the certificate by August 1 of each year~~ on the
14 form provided by the city manager. ~~No application for renewal will be considered unless~~
15 ~~and until all of the information required in section 9-12-32 has been provided.~~

16 Each application for a renewal of a certificate shall demonstrate compliance with section
17 9-12-32, and shall include a requested number of taxicab authorizations based on current
18 service levels.

19
20 **Sec. 9-12-28 Color scheme of vehicles; insignia or trade name.**

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

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

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

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

8

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

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

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

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

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

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

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

5
6 **Sec. 9-12-30 Amending Certificates of Public Convenience and Necessity**

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

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

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

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

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

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

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

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

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

13

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

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

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

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

1 (1) The minimum number shall be based on a minimum ratio of dispatch trips per
2 taxicab, which shall be established by regulation, sufficient to ensure that drivers have
3 the opportunity to comply with the standards of dispatch service prescribed by regulation.

4 The minimum number of authorized taxicabs for each certificate holder shall not be
5 fewer than 10 percent less than the number then authorized, except, that the minimum
6 number may be adjusted upward based on a finding of exemplary service provided by the
7 certificate holder.

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

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

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

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

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

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

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

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

26 ~~(d) In reviewing the total number of authorized vehicles in the industry, t~~ The Board
27 and city manager shall set the total number of vehicles to be authorized, and allocate to
28 certificate holders any additional vehicle authorizations that may be issued, giving
29 consideration to such factors as bear on public convenience and necessity, including but
30 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

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

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

- 11 (1) The individual and cumulative effect of the transfer on the transferee and
 12 transferor certificate holders;
- 13 (2) The individual and cumulative effect of the transfer on the applicant and other
 14 drivers. ~~and~~
- 15 (3) ~~Such factors listed in section 9-12-25(d) as the Board or city manager deem~~
 16 applicable The satisfaction of all financial obligations to the existing certificate holder
 17 and acceptance by the new certificate holder.

18

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

20 Each certificate holder shall:

- 21 (a) Provide 24 hour service;
- 22 (b) Provide a radio dispatch service located within the boundaries of the city that
 23 meets the following:
 - 24 (1) Dispatch must be provided 24 hours a day, 7 days a week;
 - 25 (2) If less than 100 taxicabs are authorized under the certificate, dispatch may be
 26 provided 18 hours a day, 7 days a week until 1 year following [effective date], after
 27 which dispatch must be provided as set out in paragraph (1);
 - 28 (3) If the certificate has been issued for less than 1 year, dispatch may be provided 18
 29 hours a day, 7 days a week until 1 year following the date of issuance, after which
 30 dispatch must be provided as set out in paragraph (1);

- 1 (c) Provide the minimum level of service for passenger pick up and call response
2 time as prescribed by regulation;
- 3 (d) Maintain a business office and required records within the boundaries of the city;
- 4 (e) Have affiliated a minimum of ~~10~~40 taxicabs under its color scheme, and a
5 maximum of 50% of the total number of taxicabs authorized under this article; ~~Such~~
6 ~~minimum and maximum numbers may be amended, removed or reinstated by the city~~
7 ~~manager, provided, however, that the proposal for same is considered as part of the~~
8 ~~annual review pursuant to section 9-12-31~~ provided, however, that the provisions of this
9 section shall expire on [effective date plus 30 months].
- 10 (f) Provide a minimum of 1 vehicle, or 1 % of the vehicles authorized under the
11 certificate, whichever is greater, for ADA compliant handicap accessible transportation,
12 and every vehicle permit issued for a handicap accessible vehicle shall state on the permit
13 that it is to be used for a handicap accessible vehicle only;
- 14 (g) Maintain a record of all taxicabs affiliated with the certificate holder, of the
15 owners thereof and of all drivers thereof, including the current address and telephone
16 number for each such owner and driver. This record shall be available at all times for
17 examination and inspection by the director, hack inspector or any police officer and shall
18 be preserved for 12 months;
- 19 (h) Provide an alternative dispute resolution process for disputes arising between
20 owners and/or drivers of taxicabs and the certificate holder pursuant to Division 7 of this
21 article;
- 22 (i) Provide and adhere to written policies setting forth service requirements for
23 drivers affiliated with the certificate holder and specifying disciplinary actions that the
24 holder will take in the event the requirements are not met. All such requirements and
25 disciplinary actions and any revision that may from time to time be added by the
26 certificate holder shall be provided to every affiliated driver and posted in a conspicuous
27 location in the taxicab company offices;
- 28 (j) Not unreasonably withhold its agreement to allow an affiliated driver to transfer
29 the authorization under which the driver is driving to another qualified driver.
- 30 (k) Provide a 30 day notice to drivers of any changes in stand dues and post such
31 changes in a conspicuous location in the taxicab company offices with a clearly stated

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

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

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

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

11 (1) Dispatch call volume totals;

12 (2) Number of complaints by type;

13 (3) A schedule of current stand dues;

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

15 ~~(35)~~ Such other information as may be prescribed by regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (gh) The city manager's decision to ~~suspend~~ place on probationary status or revoke a
21 certificate may be reviewed on the record by the Circuit Court of the City of Alexandria,
22 to determine whether the city manager applied the correct law, and whether the decision
23 was arbitrary and capricious; provided a petition for review is filed with the Court within
24 ~~14~~ 30 days of the decision. The filing of such petition shall not stay the effect of such
25 revocation or suspension, unless otherwise ordered by the Court. The Court may affirm
26 or reverse the decision of the city manager, or vacate the decision and remand the matter
27 with instructions.

28

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

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

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

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

6

7 **Sec. 9-12-35 Grandfathered certificates**

8 A certificate which was issued to an individual owner or driver prior to February 15,
9 1983, and remains in force and effect, including by renewal, on and after [effective date],
10 shall be subject to the following provisions:

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

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

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

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

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

24

25 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.

1 (d) The application shall state thereon that "It is unlawful for any person to make a
2 false statement on this application and discovery of a false statement shall constitute
3 grounds for prosecution and for denial or revocation of this driver's permit."
4

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

6 The fees and charges for an application for, and for the issuance and renewal of, a drivers
7 permit shall be established by regulation, and no application shall be filed, and no
8 certificate issued or renewed, unless and until such fees and charges shall have been paid.
9

10 **Sec. 9-12-44 Medical examination**

11 If the application indicates that the applicant's ability to safely operate a taxicab is
12 reasonably in question, no driver's permit shall be issued or renewed until the applicant
13 shall furnish a certificate from a reputable physician ~~within the city~~, certifying that, in
14 such physician's opinion, the applicant's ability to safely operate a taxicab is not
15 impaired.
16

17 **Sec. 9-12-45 Investigation of applicant.**

18 Upon the filing of any application for a driver's permit under this division, the chief of
19 police shall make a thorough investigation of the character and traffic and criminal record
20 of the applicant. Such investigation may include a local records check and a state records
21 check. The result of this investigation shall be submitted to the hack inspector and to the
22 Board upon appeal.
23

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

25 Each applicant for a driver's permit pursuant to this division shall be required to pass an
26 examination given under the direction of the hack inspector as to the applicant's ability to
27 operate a taxicab and knowledge of the traffic laws of the city and state and the laws of
28 this article.
29
30
31

1 **Sec. 9-12-47 Driver Training**

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

5

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

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

12

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

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

- 15 (a) Is under 18 years of age;
- 16 (b) Has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony
17 involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo
18 contendere to a misdemeanor involving moral turpitude within the last 5 years; provided,
19 however, that the Board may waive the provisions of this subsection if the Board
20 determines that such waiver would not be contrary to the public interest;
- 21 (c) Has had a taxicab driver's permit or similar permit permanently revoked in any
22 other jurisdiction;
- 23 (d) Has ever been convicted, pleaded guilty, or pleaded nolo contendere to a charge
24 of hit and run, leaving the scene of an accident or any similar charge where injury to a
25 person was involved;
- 26 (e) Has repeatedly been convicted, pleaded guilty, pleaded nolo contendere, or
27 forfeited collateral for violations of the traffic or safety laws of any city, state or the
28 federal government;
- 29 (f) Has not provided a written endorsement of a certificate holder;
- 30 (g) Has not held a valid motor vehicle operator's license for a period of at least 6
31 months;

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

2
3 (i) Does not have a valid work authorization the Immigration and Naturalization
4 Service, if required.

5
6 **Sec. 9-12-50 Issuance or denial of driver's permit by chief of police**

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

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

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

19
20 **Sec. 9-12-51 Appeal of a denial of a driver's permit**

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

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

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

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

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

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

5

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

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

9 (a) The permit number;

10 (b) The name of the driver;

11 (c) A photograph of the driver;

12 (d) The date of expiration; and

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

15

16 **Sec. 9-12-53 Expiration of permit**

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

19

20 **Sec. 9-12-54 Renewal of permit.**

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

24

25 **Sec. 9-12-55 Permits nontransferable.**

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

27

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

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

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

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

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

20

21 **Sec. 9-12-57 Service requirements**

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

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

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

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

- 1 (d) Stopping in intersections to load or unload prohibited; interfering with traffic. No
2 driver of any taxicab shall stop, load or unload any passengers in the intersection of any
3 streets or on any crosswalk. No such driver shall in any way impede or interfere with the
4 orderly flow of traffic on the streets.
- 5 (e) Priority of calls for service. Every driver of a taxicab shall give preference in
6 answering calls for service in the order of receipt of such calls.
- 7 (f) Nonpaying passengers. No nonpaying passenger shall be transported in a taxicab
8 with a paying passenger, except bona fide officers or employees of the owner or
9 certificate holder, or a police officer engaged in the performance of his duty.
- 10 (g) Drivers to take shortest route to destination. The driver of each taxicab shall
11 drive the same over the shortest practical route from the point of engagement to the
12 destination of the passenger or passengers.
- 13 (h) Number of passengers. No driver of a taxicab shall carry at any one time more
14 adult passengers than the number for which the vehicle was designed.
- 15 (i) Passengers to occupy rear seat first. shall fill the rear seat before using the front
16 seat, and no driver shall carry a passenger in the front seat unless the back seat is filled,
17 except when otherwise requested by a passenger.
- 18 (j) Loitering at taxi stands. No driver shall loiter or congregate with others in
19 sidewalks adjacent to a taxi stand.
- 20 (k) Cruising. The city manager may prohibit cruising throughout the city or in
21 designated areas within the city in times of emergency, or at other times when some
22 activity takes place within the city which will produce abnormal traffic congestion and
23 danger to pedestrians and the city manager finds that cruising would add to the
24 congestion and danger. No such prohibition may be issued, except in case of an
25 emergency, without notice and public hearing before, and a recommendation from the
26 Board. When the city manager has issued such prohibition, it shall be unlawful for any
27 person to cruise in the area designated.
- 28 (l) Refusal to carry passengers. No driver of a taxicab shall refuse or neglect to
29 convey any orderly person, upon request, unless previously engaged, off duty, or unable
30 or forbidden by the provisions of this article to do so.

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

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

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

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

13

14 **Sec. 9-12-58 Temporary suspension of permits**

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

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

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

19

20 **Sec. 9-12-59 Appeal from temporary suspension**

21 Whenever the chief of police or hack inspector has suspended a permit pursuant to
22 section 9-12-58, the driver may appeal to the Board, by filing a written notice of appeal
23 with the hack inspector, within five days after being notified of his suspension. The hack
24 inspector shall thereupon schedule, within a reasonable time, a hearing before the Board.

25 Notice of such hearing shall be given the applicant at least five days before the hearing.

26 Any suspension shall be stayed pending the hearing before and decision of the Board.

27 The Board shall have authority to affirm, reverse or modify the suspension appealed
28 from. The action of the Board shall be final and there shall be no rehearing.

29

30

31

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

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

4 (1) Violation of any law involving moral turpitude;

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

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

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

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

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

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

13 (8) Failure to serve the public adequately;

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

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

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

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

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

21 (13~~4~~) Violation of any other provision of this article.

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

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

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

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

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

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

13

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

DIVISION 4: Vehicle Permits

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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

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

7
8 **Sec. 9-12-75 Information to be shown on permits.**

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

- 11 (1) Vehicle permit number
- 12 (2) Name of the certificate holder under whose certificate the vehicle will be
13 operated;
- 14 (3) Name of the owner;
- 15 (4) Expiration date;
- 16 (5) Year, make, model and Vehicle Identification Number (VIN);
- 17 (6) Make and serial number of radio and taximeter; and
- 18 (67) the fact that the permit is issued subject to the provisions of this article and may
19 be suspended or revoked if the provisions of this article are violated.

20
21 **Sec. 9-12-76 Expiration of permit.**

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

25
26 **Sec. 9-12-77 Renewal of permit.**

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

1 **Sec. 9-12-78 Permit nontransferable.**

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

7 **Sec. 9-12-79 Suspension of permits**

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

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

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

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

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

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

19
20 **Sec. 9-12-80 Vehicles to be in safe condition.**

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

24
25 **Sec. 9-12-81 Requirements for vehicles**

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

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

- 1 (b) Ventilation of vehicles; lights. Every taxicab shall be ~~sufficiently ventilated, and~~
2 ~~efficiently lighted at night~~ equipped with properly functioning heating, air conditioning
3 and windows and passenger cabin lights.
- 4 (c) Body types of vehicles; seating capacity. Every taxicab shall be of a vehicle type
5 approved by regulation with four doors, at least two seats and not less than five-
6 passenger capacity; provided, however, that any taxicab, otherwise in compliance with
7 the provisions of this article may, upon the written application to and approval of the city
8 manager, and having only three (3) doors, may be used to provide transportation to
9 handicapped or otherwise physically disabled persons.
- 10 (d) Shades and curtains. No taxicab shall be equipped with shades or curtains which
11 can shield any occupant from observation.
- 12 (e) Speedometers. Every taxicab shall be equipped with a standard speedometer,
13 properly installed and kept in good working order at all times.
- 14 (f) Rear-view mirror. Every taxicab shall be equipped with an adjustable rear-view
15 mirror, properly installed.
- 16 (g) "Off duty" signs. Every taxicab shall carry, prominently displayed on the front
17 windshield, a sign bearing the words "Off Duty," whenever the vehicle is driven by an
18 operator other than a duly licensed taxicab driver, or is transporting a nonpaying
19 passenger, or is not in service.
- 20 (h) Information to be displayed on outside of vehicle.
- 21 (1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at
22 least two and one-half inches high the word "taxicab" or "cab."
- 23 (2) The certificate number under which the taxicab is operated, clearly visible, shall
24 be placed on the rear and on each side of each taxicab.
- 25 (3) The prevailing rates of fare shall be displayed on each side of the taxicab by
26 means of cards or stickers, furnished by the director of finance at a cost ~~of \$0.75 per~~
27 sticker established by regulation, placed in the side rear window in such a manner as to
28 be visible from the outside. The form, size and content of said cards or stickers shall be
29 as approved by the hack inspector.
- 30 (i) Display of permit. Every driver shall post his driver's permit in such a place as to
31 be in full view of all passengers while the driver is operating a taxicab.

- 1 (j) Display light. Every taxicab shall be equipped with a plainly visible light signal
2 on the exterior of the cab of a design approved by the hack inspector, which signal shall
3 be turned on and exhibited at all times when the taxicab is on duty and available for hire.
- 4 (k) Two way radios. Every taxicab shall be equipped with a two way radio, properly
5 installed and kept in working order at all times. Such radios shall be operated in
6 compliance with the regulations of the Federal Communications Commission. Each radio
7 unit will have the ability to conduct a two way conversation with the taxicab dispatcher.
8 The hack inspector shall be provided with the serial number of each radio.
- 9 (l) Age of vehicles. Except for hybrid or alternative fuel vehicles, no vehicle permit
10 shall be issued for a taxicab that is older than eight model years; provided, however, that
11 a taxicab that was lawfully being operated as of [effective date], may continue in
12 operation until [effective date plus two years], provided such vehicle complies with all
13 other provisions of this article. No vehicle permit shall be issued for a hybrid or
14 alternative fuel taxicab that is older than ten model years; provided, however, that such a
15 taxicab that was lawfully being operated as of [effective date], may continue in operation
16 until [effective date plus two years], provided such vehicle complies with all other
17 provisions of this article.
- 18 (m) Taximeters. Every taxicab shall be equipped with a taximeter in compliance with
19 section 9-12-131.
- 20 (n) Bumper stickers. A taxicab may display not more than two bumper stickers at
21 one time, each not larger than ten inches by three inches, which may be placed on the
22 rear bumper of the vehicle only, and which shall be maintained in neat and clean
23 condition. Notwithstanding the foregoing provision, a certificate holder may, by
24 company policy of uniform application, prohibit the display of all bumper stickers on
25 affiliated vehicles.
- 26
- 27 Secs. 9-12-82 through 9-12-110 reserved.

DIVISION 5 Taxicab Stands1
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30**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.

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

6

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

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

10

11 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

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

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

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

14 (7) For three or more grocery and/or shopping bags, \$1, if handled by the driver in
15 the immediate vicinity of the taxicab, plus an additional \$1, if carried by the driver to the
16 door of a single-family residence, or the main entrance of any building other than a
17 single-family residence. There shall be no charge made for fewer than three grocery
18 and/or shopping bags. The maximum charge for all grocery and/or shopping bags shall be
19 \$2.

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

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

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

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

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

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

16

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

20 Any certificate holder may enter into a contract, on an annual or semiannual basis, with
21 the city or any nonprofit private or public organization to provide taxicab services for
22 elderly or for physically handicapped persons, or for other specific services to the general
23 public, as specified in the contract, under a fare schedule agreed upon in the contract.

24 Any person operating a taxicab pursuant to such a contract shall comply with all other
25 provisions of this article.

26

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

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

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

3

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

5 It shall be unlawful for any person to ride in a taxicab with intent to obtain passenger
6 service without paying the lawful fare under the schedule set out in section 9-12-132 or
7 9-12-133, whichever applies. Refusal to pay for service shall be prima facie evidence of
8 such intent under this section

9

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

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

17

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

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

22

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

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

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

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DIVISION 7. Dispute Resolution

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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.

1 **Section 9-12-142 Dispute resolution procedures.**

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

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

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

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

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

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

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

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

24 (c) Informal or formal mediation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22

23 **Section 9-12-143 Penalties.**

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

29

30

31

1 **Section 9-12-144 Regulations.**

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

4

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

6

7

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 11, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ALEXANDRIA YELLOW CAB TERMINATION OF SERVICE TO DOT AND SENIOR TAXI PROGRAMS

This report is presented as background for Council on an issue that may arise during Council's discussion of the proposed taxicab ordinance at Saturday's public hearing meeting.

In Alexandria Yellow Cab's notice of termination of services to the City's DOT and Senior Taxi programs, a number of allegations were made concerning the Hack Inspector's Office handling of driver permit examinations. This memorandum is to provide you with an initial response to those allegations.

In its May 4 letter, Alexandria Yellow Cab (AYC) expressed concern that there were not enough drivers with hack permits (licenses) available to fill existing vacancies and alleged that the "test-giving policies and/or practices" were responsible for this condition. There are currently 982 drivers licensed to drive cabs in Alexandria. Specifically, in this letter and prior communications AYC asserts that:

1. there have been changes in the driver permit exam that has resulted in a very high failure rate in recent months;
2. the number of applicants who can take the exam is too limited;
3. staff is trying to reduce the number of taxicabs in the City by limiting the number of permitted drivers through "hyper-technical" grading; and
4. the rules for being permitted to take the exam are too technical.

AYC further called for a Council investigation of this matter.

The City's hack inspectors and staff have met with AYC on previous occasions to identify ways in which the reported shortage of drivers could be resolved, most recently on Monday, May 9, at which time Alexandria White Top Cab was also represented. Based on these meetings and information that is currently available, we would like to provide Council with the following information relative to AYC's allegations:

- The driver permit examination has not been changed and has been in use since June of 2001. The four versions of the exam that are currently in use have been in continuous use throughout that period. The recent decline in the exam passing rate is not the result of any changes in the exam.
- The driver permit exam is currently offered twice each month with a limit of 15 applicants per session. This has been the case since August of 2002 when the Hack Office was moved to the City Shop at 3550 Wheeler Avenue. At the companies' request, four of the 15 slots are reserved for permitted drivers who have allowed their driver permits to expire and require retesting. On an annual basis, current procedures allow up to 360 applicants/drivers to take this exam. This represents approximately one-third of the currently permitted drivers.
- During previous meetings with AYC, the Hack Office offered to provide additional exam opportunities for new driver applicants. Specifically, up to 30 applicants would be permitted to take the exam at each session. For the first of these exams, held on May 3, 11 applicants signed up for the exam, 10 actually showed up to take the exam and 2 passed. Possibly, there was some confusion within the industry as to the availability of additional seats for this exam.
- During the May 9 meeting, the Hack Office reiterated the availability of additional expanded capacity for examinations (again up to 30 applicants). At that time AYC was uncertain as to how quickly its applicants would be able to complete training for the exam, so it was left to AYC to advise the Hack Office as to when this should be scheduled. The Hack Office also reaffirmed their willingness to work with the companies to provide even more additional exam opportunities to help overcome the reported shortage of available drivers.
- The examination grading procedures were discussed at length during the May 4 meeting. Neither the grading procedures nor the criteria for passing the exam have been changed and allegations of "hyper-technical" grading are unfounded. Moreover, the purported strict grading practices in which misspellings are considered incorrect responses appear to be supported only by rumors that are being reported back to AYC. As a grading practice, full credit is given for misspelled responses as long as the grading inspector can make a reasonable determination that the intended response was correct.
- Several lesser procedural issues were also discussed with AYC that we believe were satisfactorily resolved. These included the number of times an applicant could retake the exam before being required to wait for retesting, an additional increase in the time allowed to complete the exam and a review of the wording of exam questions in order to eliminate possible language barrier problems.

With regard to AYC's call for a Council investigation of the City's driver testing and licensing procedures, we propose to docket this matter for consideration by the Traffic and Parking Board at its May 23 meeting. The findings of the Board's hearing on this matter will be reported to Council shortly thereafter.

Please contact Tom Culpepper if you need immediate additional information; otherwise, we will keep you informed as we continue to address this matter.

cc: Rich Baier, Director, Transportation and Environmental Services
Tom Culpepper, Deputy Director, Transportation and Environmental Services
Michele Evans, Assistant City Manager
Mark Jinks, Assistant City Manager
Debra Collins, Director, Department of Human Services
Sgt. Jamie Bartlett, Alexandria Police Department
Taxicab companies

SPEAKER'S FORM

DOCKET ITEM NO. 10

1

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Lonnie Rich
 2. ADDRESS: 1199 N. Fairfax St., Tenth Floor, Alex VA 22314
 TELEPHONE NO. 703-674-4444 E-MAIL ADDRESS: lrich@rgcva.com
 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Alex. Yellow Cab Co. Inc.

4. WHAT IS YOUR POSITION ON THE ITEM?
 FOR: _____ AGAINST: _____ OTHER: For with significant change

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
 YES NO

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed for *public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

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5-14-05



"Bill Harris"
<wparris@comcast.net>
05/10/2005 09:55 AM

To "Jackie Henderson" <jackie.henderson@alexandriava.gov>
"Tom Culpepper" <tom.culpepper@alexandriava.gov>, "Lonnie
cc Rich" <LCRich@rgrclaw.com>, "Susan Winn"
<jns-swinn@comcast.net>, "Sandy Calhoun"
bcc
Subject Senior Taxi & DOT Issues

Dear Honorable Mayor and Members of the Alexandria City Council:

On behalf of Senior Services of Alexandria I want to express our appreciation for your many years of support of the Senior Taxi and DOT programs.

This past week I was surprised and shocked to learn that these two programs, so vital to our most vulnerable citizens, are such a problem that the taxi company feels compelled to cancel them.

Senior Service's role is not only to handle reservations for these program, but also to provide oversight and quality control. We do periodic satisfaction surveys and receive complaints. As in most everything there is probably room for improvement in the program. We welcome an opportunity to sit down with representatives from the City and the taxi company to discuss the issues as each party sees them. This should have been done long before a decision to cancel these programs was made. It still is not too late.

I am grateful for the concern, compassion and commitment each of you has for the elderly and disabled of our City.

On behalf of the Senior Services Board of Directors I thank you for your support past, present, and future of these two vital programs.

Sincerely,

William P. Harris, President
Board of Directors
Senior Services of Alexandria

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5-14-05



"Rob Krupicka"
<Rob@Krupicka.com>
05/13/2005 04:35 PM

To <Jackie.Henderson@alexandriava.gov>
cc
bcc
Subject FW: Taxi industry issue letter being sent on behalf of the Commission on Aging

For your records.

Rob Krupicka
Rob@Krupicka.com
www.krupicka.com
703-838-0280

-----Original Message-----

From: MaryAnn.Griffin@alexandriava.gov
[mailto:MaryAnn.Griffin@alexandriava.gov]
Sent: Friday, May 13, 2005 4:24 PM
To: delpepper@aol.com; alexvamayor@aol.com; council@joycewoodson.net;
ludwig@gainwithgaines.com; macdonaldcouncil@msn.com; paulcsmedberg@aol.com;
rob@krupicka.com; Jim.Hartmann@alexandriava.gov
Cc: sreponen@goodwinhouse.com
Subject: Taxi industry issue letter being sent on behalf of the Commission on Aging

Dear Mayor and Council Members,

On behalf of Stefanie Reponen, I am forwarding a letter regarding the taxi industry issues that are of concern to the Commission on Aging and seniors in Alexandria.

I am attaching both the Microsoft word and Word Perfect versions of this letter. Please contact me if you cannot open the attachments

(See attached file: council ltr ser taxi.doc)(See attached file: COAtaxi2.wpd)

MaryAnn Griffin
Director, Office of Aging and Adult Services
City of Alexandria
Phone: 703 838-0921
Fax: 703 838-0886
E-mail: MaryAnn.Griffin@alexandriava.gov



council ltr ser taxi.doc COAtaxi2.wpd



City of Alexandria, Virginia Commission on Aging



Office: 703-838-0920

Office of Aging and Adult
Services
Division of Community Programs
Department of Human Services
2525 Mount Vernon Avenue, Unit 5
Alexandria, Virginia 22301-1159

Fax: 703-838-0886

May 12, 2005

Members of the Alexandria City Council
301 King Street
Alexandria, VA 22314

Dear Members of City Council,

I am writing on behalf of the City of Alexandria Commission on Aging with regard to the issues related to the taxicab industry.

As we have stated in the recent past, we believe that it is imperative that the Alexandria cab industry have a centralized authority and accountability in order to ensure safe and reliable taxi service to our elderly citizens. We applaud the efforts of the City to define new regulations for the taxicabs and for its plans to enforce both the new and existing regulations through its Hack office. The Commission however continues to have concerns about several issues that impact seniors.

First, we believe that it is imperative that the Hack office develop a mechanism to monitor the complaints where taxi drivers bypass senior taxi riders, to accept more lucrative fares. We believe that there should be a defined quality assurance process whereby these complaints are logged and addressed in a real time manner.

Second, we want to reiterate that in conducting the annual Industry Review that the Hack office includes a representative number of seniors and disabled persons in their survey to accurately evaluate the quality of service provided to them. If findings show that these individuals are receiving inadequate service, that the City and the Taxi Company develop an action plan to improve the service.

Third, we want to reiterate that there be a defined training plan for drivers on how to meet the special needs of seniors and disabled persons. We suggest that there be a half-day training annually and that training be held every two years thereafter. We feel strongly that the training curriculum should be reviewed by the Commission on Aging and The Alexandria Commission on Persons with Disabilities and specifically include training on how drivers should respond to

seniors and disabled riders. Our expectation will be that the Hack office creates a tracking system to ensure that **all** drivers participate in this process.

Fourth, there currently is a disincentive for taxi drivers to transport seniors and people with special needs. These people often require additional assistance to get in and out of the taxi which takes extra time for which they are not paid – time that could be spent transporting other paying riders. We support the concept of finding a way to give drivers a financial incentive to transport seniors and people with disabilities. And, conversely, there might be some penalty for those who do not do their fair share in transporting them.

Finally, the Commission continues to be concerned that the City lacks adequate resources to enforce the regulations related to the taxi industry. We believe that to ensure quality service to all Alexandrians, that the Hack office must be adequately staffed to serve in a watchdog capacity to oversee the taxi industry.

Once again, we applaud your efforts to move forward on these challenging issues and appreciate the Council's continued concern for the seniors and disabled in the City.

Sincerely,

Stefanie Reponen, Chair
Commission on Aging

3/19/05
Written Comments - Abbas Abousaidi, ¹⁰
5-14-05
Mulugeta Yimer
representing AUTO/TWSC

~~(b)(7)(C)~~
Good Afternoon Mayor and Members of Council:

My name is Mulugeta Yimer and I represent the Alexandria United Taxi Drivers Organization and the Tenants' and Workers' Support Committee.

Myself and Abbas Abousaidi will speak today representing AUTO / TWSC. The following outlines our view on the state of the taxi industry:

~~(b)(7)(C)~~

The Problem. Alexandria's taxicab industry discourages market competition between taxicab companies, allowing them to operate without providing adequate marketing or dispatch services because they lack the economic incentive to do so. As a result, public service has suffered and the taxicab drivers are treated unjustly.

AUTO's Goal. AUTO is composed of taxicab owner-operators in Alexandria. AUTO's goal is to create competition among taxicab companies. This simple reform will require taxicab companies to demonstrate a commitment to the industry and customers by ensuring that companies take steps to provide better customer service and that they operate their business in a manner that is fair and respectful of their labor force. The city, the public and the drivers will benefit.

A Competitive Market. Market competition is a fundamental premise to conducting business and is the long recognized standard which determines the success or downfall of most business. Alexandria's current taxicab industry has undercut this fundamental premise by limiting the drivers' ability to change taxicab company affiliation

Under the current system, in order for a driver to switch companies he must find a company with an open position; the city pre-authorizes the amount of positions every taxicab company will have. The city also limits the amount of taxicab drivers who can operate in the city. Through this system, one taxicab company has received the majority of pre-authorizations; today this company controls most of the employment opportunities for cab drivers in Alexandria. With a majority of cab drivers in hand, this company has opted to provide minimal dispatch service to its drivers; to invest minimal effort in promoting ridership; and to charge her drivers exorbitant monthly premiums ("stand dues") in exchange for affiliating under the company name. Alexandria's other cab companies have followed suit because they too understand that drivers' have limited opportunity to seek a new affiliation and because they are competing with a company that is successfully circumventing free market competition.

The *revised* taxicab code purports to remedy this situation by allowing drivers to more readily seek a new affiliation; yet it too undercuts the fundamental premise of market competition by only allowing the drivers to secure a new affiliation once per year and by limiting movement to 10% of the labor force. The most basic tenants of the market dictate that such limitations prevent competition between companies, thereby undermining sound work environments and quality service to the public. In order to foster market competition in Alexandria's taxicab industry, mechanisms which insulate companies from competing with each other should be eliminated. We started this effort by asking that 100% of the drivers have the ability to move every year. We have agreed to a regulated system in which a limited number of drivers will move every year. Twenty (20) percent is the minimum acceptable percentage of driver movement that we can live with. The current proposal is overly protective of Yellow Cab and its monopoly. It does little to create the competitive market environment that will better serve drivers and consumers. It is unacceptable.

(Mulugeta takes back over here)

Additionally, the revised code is punitive and unfair to drivers in its establishment of a 'death penalty'. By this we are referring to the risks that drivers have to lose our vehicle permit when the company we are affiliated with loses its Certificate to operate a cab business.

- 1) Under the proposed law it is likely that 3 or 4 companies will go out of business. This is anticipated in the law. Why subject drivers to the loss of our livelihood through the non-compliance of companies?
- 2) We drivers will be at risk of losing our collective investment which is many times greater than most companies have invested.
- 3) Drivers are independent contractors – companies can negotiate to insure coverage but this clause is being used to give companies unfair leverage. Companies need to build up the business that will attract drivers. Drivers should not be pressured to cover non-existent business. How can a driver be forced to work against his or her economic interests by waiting for calls that don't exist?
- 4) We drivers should not have our livelihoods put at risk for 20 years of companies non-investment in infrastructure and for 20 years of non-enforcement of dispatch provisions by the City.

In summary:

This effort for taxi industry reform started because of drivers' efforts to secure economic human rights and create a fair, regulated and competitive taxi industry. The current unfair system was created over 20 years ago. For 20 years the City has not even enforced many of its own regulations. For 20 years companies have benefited from stand dues from drivers and offered little in return. Despite this history, we have compromised on numerous issues. We seek to end this period of strife and work under a system that is fair and equitable. To do this we ask council for three changes:

- 1) There are number of details that we are hopeful we can work out with staff in the coming weeks. This includes editing the language to legalize

the gray market to sell our taxis, clarifying the insurance requirements, and several others.

- 2) Eliminate the provisions for the death penalty. When a company fails drivers must be permitted to affiliate with another company.
- 3) Permit a minimum of 20% of all drivers to move each year from each company.

With these modifications we will have a taxi code that is fairer. Our economic human rights will be respected and a competitive market will be created that will improve the working conditions of drivers and improve service for customers.

Thank you.

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5-14-05



"Chet and Sabra Avery"
<csavery@verizon.net>
05/08/2005 09:24 PM

To "William Euille" <alexvamayor@aol.com>, "Rob Krupicka"
<krobk@aol.com>, "Redella Pepper" <delpepper@aol.com>, "Paul
Smedberg" <smedbergpc@aol.com>, "mICHELE eVANS"
<Rich.Baier@alexandriava.gov>, "Tom Culpepper"
cc <tom.culpepper@alexandriava.gov>, "Eileen Longstreet"
<directorssa@pop.net>, "Kathleen Henry"
bcc
Subject Halting the Destruction of the DOT, Senior Taxi, and Taxi
Companies

CHET AND SABRA AVERY
16 East Linden Street
Alexandria, Virginia 22301
Tel 703 549-4617
Email csavery@verizon.net
May 8, 2005

To the Mayor and Council Members
From
m Chet Avery

HOW TO ADDRESS THE ISSUE POSED BY APPLICANTS FOR NEW TAXI
COMPANIES AND TAXI DRIVERS WHO ARE USING THE TAXI INDUSTRY
ORDINANCE DEVELOPMENT PROCESS THAT IS UNDERMINING THE DOT AND
SENIOR TAXI SERVICE AND THE YELLOW CAB DISPATCH COMPANY

1. The Purpose

What follows is a discussion that demonstrates how Kathleen Henry's and Jon Liss's applications for the establishment of new cab companies sanctioned by the proposed ordinance have provided an opportunity for cab drivers to withdraw from the Yellow Cab Dispatch Company and its waiting list so that they can avoid the enforcement of the 10% annual cab driver transfer rule and become drivers for the new companies. This passive work withdrawal process that was not anticipated by the ordinance development process has undermined Yellow Cab's Dispatch Company and threatened its capacity to carry out its DOT and Senior Taxi Service. Because these new cab companies will not have the hundreds of new slots for taxi drivers because the drivers were already involved with the current cab companies, the applicants for the new companies and drivers who have a record of not supporting DOT and Senior Taxi have engaged in the process of aligning taxi drivers with the proposed new companies--a situation that was unanticipated and is perhaps an abuse of the taxi industry ordinance development process.

2. Background

For the past five years, the City has attempted to establish a reform in the taxi industry that supports the often divergent

interests and needs of taxi drivers, cab companies and the taxi using public. Over this long controversial time period, differing plans have either supported the dominance of cab companies or have granted taxi drivers control of certificates. The proposed taxi industry ordinance that Council adopted for hearing on Saturday, May 14, has seemingly submerged this taxi company vs drivers conflict in the proposed ordinance, limiting the conflict between cab companies over the 10% annual taxi driver transfer rate and other technical issues of concern to the companies and drivers. The issue of allowing new companies to enter the taxi market to assure competition was another issue that was of concern to Council and city policy makers.

Also of concern to the city with its commitment to seniors and to people with disabilities is its support of the DOT and the Senior Taxi Service.

Throughout the taxi industry ordinance development process, many drivers, along with Kathleen Henry, have expressed their support of discriminatory views toward seniors and people with disabilities by saying that they do not want to serve this population because the populations may require extra time and services and usually take short trips. Once a proposal was presented to council that indicated that the taxi industry should not be involved in providing taxi service to seniors and persons with disabilities, recommending that the City should use obsolete police vehicles to provide such services to seniors and persons with disabilities.

While the proposed ordinance supports the introduction of new cab companies to foster competition, it has not set aside hundreds of taxi driver slots for these new companies. Moreover, the proposed ordinance clearly indicates that only 10% of the approximately 650 taxi driver slots held by the current companies could enable taxi drivers to move from existing companies to new companies. Both Kathleen Henry and Jon Liss, who say they represent hundreds of taxi drivers, have been meeting with city staff to discuss ambitious plans for new companies that would require hundreds of new slots for taxi drivers. Kathleen Henry and Jon Liss, who say they represent the interest of all taxi drivers, realize that the city would never grant the 400 to 600 taxi slots they would like for their new companies and they, like many taxi drivers, realize that the 10% annual taxi driver transfer rate contained in the proposed ordinance if adopted would only allow for approximately 65 taxi driver slots to be annually available to their new companies or to existing companies.

It is logical, therefore, for persons involved in the establishment of these new companies to set up a process to allow for the transfer of taxi slots to the proposed new companies to set up ways to avoid the application of the 10% transfer rule by having drivers withdraw from Yellow Cab with its inconvenient

DOT and Senior Taxi arrangements and by encouraging potential taxi drivers not to take or show up at taxi driver tests before the new ordinance goes into effect.

Yellow Cab, a dispatch company with the DOT and Senior Taxi commitment, has increasingly found it difficult to require drivers to pick up seniors and people with disabilities during this time of profound uncertainty, due to the development of the new ordinance, is keenly aware that it is rapidly losing trained DOT and Senior Taxi drivers. This past week, Yellow Taxi proposed terminating the contract for DOT Service and the arrangement for supporting the Senior Taxi Service.

Increasingly, on a daily basis, Yellow Cab is badgered and chastised for its increasingly inability to find drivers for DOT and Senior Taxi trips and feels humiliated and guilty when they hear of the plight and hardships confronted by seniors and persons with disabilities when taxi service failures occur.

3. The Recommendation

Since the current taxi industry ordinance proposal and development process is threatening the City's capacity to honor its DOT and Senior Taxi Service and is threatening the viability of the City's only strong dispatch company and other taxi companies as it fosters the development of new companies whose dispatch capacity will not be viable for several years, I recommend that City Council suspend action on the proposed ordinance until Council is assured that DOT and Senior Taxi Services are available on a reliable basis. Moreover, the city needs to assure council that the proposed ordinance does not put Yellow and other cab companies out of business as it undertakes the support of initiating two new companies with unknown resources and a track record of supporting leaders and taxi drivers who have reservations about providing services to Seniors and people with disabilities.

cc: Jim Hartmann
Rich Baier
Tom Culpepper
Lonnie Rich
Eileen Longstreet
Jon Liss
Kathleen Henry
ACPD members□

t

Chet and Sabra Avery
16 East Linden Street
Alexandria, Virginia 22301

SENIOR SERVICES OF ALEXANDRIA

William P. Harris, President

1106 Tuckahoe Lane • Alexandria, VA 22302-3515

Phone: (703) 684-1106

Fax: (703) 684-6432

E-mail: wpharris@comcast.net

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5-14-05

May 14, 2005

Dear Honorable Mayor and Members of the Alexandria City Council:

I'm here today, as President of Senior Services, to speak in support of the Senior Taxi and the DOT taxi programs, both of which are vital to the well-being of our elderly and disabled citizens.

First, I want to express our Board's appreciation to the Council for its many years of support for these two important programs.

As you know, Senior Services is a major partner with the City in providing them. We handle reservations, and provide oversight and quality control. We also do periodic satisfaction surveys of our senior and disabled riders; we receive their complaints; and even more we advocate for them when there are problems.

This past week I was surprised and shocked to learn that Yellow Cab considered these programs to be such a problem they felt compelled to cancel them. I am sure, as in all things, there is probably room for improvement. But, what I don't understand is why Yellow Cab did not offer to meet with us (and the City) to discuss any problems **before** canceling the contracts. Senior Services is ready and willing to work through any issues to keep these programs operating without interruption.

From personal experience I know that each one of you has shown compassion and concern for the elderly and disabled citizens of our City, and for that I thank you.

Today, on behalf of Senior Services, and on behalf of the senior and disabled citizens of Alexandria, I urge you to do all in your power to keep these two vital programs operating without interruption.

Thank you.

William P. Harris, President
Board of Directors
Senior Services of Alexandria

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5-14-05

Alexandria United Taxi-driver's Organization (AUTO)
Alexandria United Taxi Cooperative
P. O. Box 26093
Alexandria, VA 22313
Phone: 240-605-2223

Alexandria City Council
Alexandria City Hall
301 King Street
Alexandria, VA 22314

Dear City Council Members:

This is to convey the opposition of the taxi owner-operators who are members of the Alexandria United Taxi-drivers Organization (AUTO) to the new Taxi Code approved by the Alexandria City Council at first reading and on which a public hearing will be conducted on Saturday, May 14, 2005. We wish to put our opposition on record, even though we have realized, as the one of primary stakeholders in the industry, that we will not get a remedy for the problems in the taxi industry from the City Council. Instead, we have begun preparation to obtain that remedy in a court of law.

Because it became clear to us over a year ago, in the work groups with the City's taxi consultant, that the City was not going to address the fundamental flaws in the City Taxi Code, we withdrew from the work group and disengaged from the dialogue being conducted by the City Council with regards to the Taxi Code.

Suppose there was a power outage in the City, a complete blackout, and the City called for all its residents to fix the problem by changing all their light bulbs. Would it make any sense for all the City's residents to waste time and money in changing their light bulbs? That's how we felt when the City refused to address the fundamental flaws in the taxi code and instead wanted to engage in dialogue about newer cabs, driver training, arbitration and dispatch.

We oppose the new Taxi Code in its entirety for the following reasons:

- The new Taxi Code permits the City to continue to issue Certificates of Public Convenience and Necessity, the City's authorization to operate taxis, to entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis.
- The new Taxi Code continues to require that the persons who do own taxis and who do hold the required State authorization to operate taxis to **turn over without any compensation** that taxi and that State authority for use by those same entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis.

- The new Taxi Code continues to require that the persons who do own taxis and who do hold the required State authority to operate taxis **pay a fee**, called stand dues, to these entities that the City chooses to call taxicab companies but who do not own taxis and who do not hold the required State authorization to operate taxis, and the new Taxi Code has penalties designed to enforce the collection of those fees. Collectively, those fees amount to more than **three million, three hundred thousand dollars each year**.
- The new Taxi Code continues to **restrain the movement** of the persons who do own taxis and who do hold the required State authorization to operate a taxi between entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the State authority to operate taxis.
- The new Taxi Code continues to **limit** the size of the entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis. This allows the City to **control the distribution of the fees, called stand dues, paid by the persons who do own taxis and who do hold the required State authorization to operate taxis, in an amount in excess of three million, three hundred thousand dollars**, between and among the entities the City chooses to call taxicab companies but which generally do not own taxis and do not hold the required State authority to operate taxis.
- The new Taxi Code requires a person who does own a taxi and who holds the required State authorization to operate a taxi to **get permission from and the endorsement of** an entity the City chooses to call a taxicab company but which in general does not own taxis and does not hold the required State authorization to operate taxis before the City will issue the person who owns the taxi and holds the required State authorization to operate a taxi a taxi drivers permit.
- The new Taxi Code requires a person who does own a taxi and who holds the required State authorization to operate a taxi **to purchase, install and maintain dispatch equipment**, even though on a typical day only 1,250 (approx. 27%) out of 4,600 trips served by Alexandria taxis are obtained by dispatch. (City Manager's Annual Report on the Taxicab Industry)
- The new Taxi Code requires all entities the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis **to provide dispatch and maintain some undetermined call volume** even though on a typical day only 1,250 (approx. 27%) out of 4,600 trips served by Alexandria taxis are obtained by dispatch, and even though four out six of those entities do not dispatch at all. (City Manager's Annual Report on the Taxicab Industry)
- The new Taxi Code requires that each entity that the City chooses to call a taxicab companies but which in general does not own a taxi and does not hold the required State authorization to operate a taxi to provide a minimum of one vehicle, or a maximum of 1% of vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation. All Alexandria taxis are fully compliant with ADA, which requires reasonable accommodation, because the drivers assist the handicapped customer in and out of the taxi, and in come cases, in and out of their residence. Under the City's

DOT program, a program used to satisfy the City's Dash bus system's ADA requirement, taxis have transported all manner of handicapped persons, including wheelchair bound individuals. It is unreasonable to require more compliance than the ADA mandates, and it is unreasonable to require a vehicle that is not actually a taxi.

And so here's what we think will happen after the City implements this Taxi Code:

1. The City's taxi customers are going to face longer and longer waits for cabs, particularly short haul customers, including Seniors and DOT customers.
2. Drivers will continue to leave the City, either to work in another jurisdiction or at the airport, and they will not be replaced. In the end, what happened in Baltimore and Philadelphia will happen in Alexandria, and the City will be left with no cabs. We have seen a dramatic acceleration in the number of drivers leaving the City this past year, and a dramatic downturn in the number of replacement drivers. We think the process of emptying the City of cabs will take no longer than a year.
3. The City will either try to enforce this Taxi Code, and face litigation, at taxpayer expense, by taxi owner-operators and companies it tries to close, or the City will not try to enforce this Taxi Code and will face litigation, at taxpayer expense, by taxi owner-operators who are determined that if the City enacts this Taxi Code the City will be held accountable for its implementation.
4. The City will face litigation, at taxpayer expense, to determine if this Taxi Code violates State and Federal Antitrust Law. This litigation is likely whether or not this Taxi Code is enacted. In addition, because of the large amount of money being funneled to particular individuals by the requirements of this Taxi Code, we are investigating the possibility that the City's actions are in violation of the Rico Act.
5. Cab drivers will build another movement and bring this issue back before the City Council. Until now, we have been fighting an action members of the City Council took twenty years ago. This time the movement will have the benefit of having the members of City Council who actually enacted the law in front of them.

How did this all come about? Our research has convinced us that, in 1982, the City enacted a taxi code that effectively deprived taxi owners of their property, namely their Certificates of Public Convenience and Necessity, without providing just compensation. The code passed in 1982 stated: 'All certificates of public convenience and necessity which have been issued prior to February 15, 1983, shall continue in force and effect and be subject to the provisions of section 9-12-26(b).' (Section 9-12-33) However, the same code limited and altered the force and effect of the grandfathered certificates by the following: 'Only those certificate holders who are leaving the Alexandria taxicab industry may apply to transfer a certificate. Certificates may only be transferred to the taxicab company with which that certificate holder is presently affiliated.' (Section 9-12-26 (c)) There was no straightforward requirement to affiliate with a cab company.

Then, in 1984, the City Manager promulgated a regulation that required all taxis to affiliate with a company. By requiring that grandfathered certificate holders affiliate with a company, the City basically issued a Certificate of Public Convenience and Necessity and then required that Certificate holder to operate under another Certificate of Public Convenience and Necessity owned by a company. In effect, the City nullified the grandfathered Certificate. Before that, Certificate holders did contract with companies for dispatch service, but were free to contract the service from any company they wished.

In order to be reasonable and lawful, the Taxi Code enacted by the City must contain the following elements:

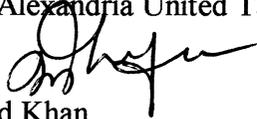
1. All authorizations to operate taxis must be issued to taxi owners. The City may exercise its authority to limit the number of cabs by limiting the number of taxi owners to whom it issues authorizations.
2. Taxi owners must be free to choose whether or not to affiliate with a dispatch company.
3. Taxi owners must be free to move between dispatch companies or to create their own dispatch company.
4. There should be no restriction on the size of dispatch companies.

Please be informed that Alexandria United Taxi-drivers Organization (AUTO) incorporated the abbreviation (AUTO) as part of its name when it registered in Virginia. The City's use of AUTO to refer to other entities is confusing, and we request that the City remove any reference to AUTO in the materials it has already prepared for the City Council with regards to this law unless it refers to Alexandria United Taxi-drivers Organization.

Sincerely,



Kathleen Henry
President, Alexandria United Taxi-drivers Organization (AUTO)



Mohammad Khan
President, Alexandria United Taxi Cooperative (AUTC)

Commonwealth of Virginia



STATE CORPORATION COMMISSION

Richmond, August 10, 2004

This is to certify that the certificate of incorporation of

ALEXANDRIA UNITED TAXI-DRIVERS ORGANIZATION (AUTO)

was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all Virginia laws applicable to the corporation and its business. Effective date: August 10, 2004



State Corporation Commission

Attest:

Joel H. Beck
Clerk of the Commission

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5-14-05

submitted by
Kathleen
Henry

Alexandria United Taxi-driver's Organization (AUTO)
Alexandria United Taxi Cooperative
P. O. Box 26093
Alexandria, VA 22313
Phone: 240-605-2223

Alexandria City Council
Alexandria City Hall
301 King Street
Alexandria, VA 22314

Dear City Council Members:

This is to convey the opposition of the taxi owner-operators who are members of the Alexandria United Taxi-drivers Organization (AUTO) to the new Taxi Code approved by the Alexandria City Council at first reading and on which a public hearing will be conducted on Saturday, May 14, 2005. We wish to put our opposition on record, even though we have realized, as the one of primary stakeholders in the industry, that we will not get a remedy for the problems in the taxi industry from the City Council. Instead, we have begun preparation to obtain that remedy in a court of law.

Because it became clear to us over a year ago, in the work groups with the City's taxi consultant, that the City was not going to address the fundamental flaws in the City Taxi Code, we withdrew from the work group and disengaged from the dialogue being conducted by the City Council with regards to the Taxi Code.

Suppose there was a power outage in the City, a complete blackout, and the City called for all its residents to fix the problem by changing all their light bulbs. Would it make any sense for all the City's residents to waste time and money in changing their light bulbs? That's how we felt when the City refused to address the fundamental flaws in the taxi code and instead wanted to engage in dialogue about newer cabs, driver training, arbitration and dispatch.

We oppose the new Taxi Code in its entirety for the following reasons:

- The new Taxi Code permits the City to continue to issue Certificates of Public Convenience and Necessity, the City's authorization to operate taxis, to entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis.
- The new Taxi Code continues to require that the persons who do own taxis and who do hold the required State authorization to operate taxis to **turn over without any compensation** that taxi and that State authority for use by those same entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis.

- The new Taxi Code continues to require that the persons who do own taxis and who do hold the required State authority to operate taxis **pay a fee**, called stand dues, to these entities that the City chooses to call taxicab companies but who do not own taxis and who do not hold the required State authorization to operate taxis, and the new Taxi Code has penalties designed to enforce the collection of those fees. Collectively, those fees amount to more than **three million, three hundred thousand dollars each year**.
- The new Taxi Code continues to **restrain the movement** of the persons who do own taxis and who do hold the required State authorization to operate a taxi between entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the State authority to operate taxis.
- The new Taxi Code continues to **limit** the size of the entities that the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis. This allows the City to **control the distribution of the fees, called stand dues, paid by the persons who do own taxis and who do hold the required State authorization to operate taxis, in an amount in excess of three million, three hundred thousand dollars**, between and among the entities the City chooses to call taxicab companies but which generally do not own taxis and do not hold the required State authority to operate taxis.
- The new Taxi Code requires a person who does own a taxi and who holds the required State authorization to operate a taxi to **get permission from and the endorsement of** an entity the City chooses to call a taxicab company but which in general does not own taxis and does not hold the required State authorization to operate taxis before the City will issue the person who owns the taxi and holds the required State authorization to operate a taxi a taxi drivers permit.
- The new Taxi Code requires a person who does own a taxi and who holds the required State authorization to operate a taxi **to purchase, install and maintain dispatch equipment**, even though on a typical day only 1,250 (approx. 27%) out of 4,600 trips served by Alexandria taxis are obtained by dispatch. (City Manager's Annual Report on the Taxicab Industry)
- The new Taxi Code requires all entities the City chooses to call taxicab companies but which in general do not own taxis and do not hold the required State authorization to operate taxis **to provide dispatch and maintain some undetermined call volume** even though on a typical day only 1,250 (approx. 27%) out of 4,600 trips served by Alexandria taxis are obtained by dispatch, and even though four out six of those entities do not dispatch at all. (City Manager's Annual Report on the Taxicab Industry)
- The new Taxi Code requires that each entity that the City chooses to call a taxicab companies but which in general does not own a taxi and does not hold the required State authorization to operate a taxi to provide a minimum of one vehicle, or a maximum of 1% of vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation. All Alexandria taxis are fully compliant with ADA, which requires reasonable accommodation, because the drivers assist the handicapped customer in and out of the taxi, and in some cases, in and out of their residence. Under the City's

DOT program, a program used to satisfy the City's Dash bus system's ADA requirement, taxis have transported all manner of handicapped persons, including wheelchair bound individuals. It is unreasonable to require more compliance than the ADA mandates, and it is unreasonable to require a vehicle that is not actually a taxi.

And so here's what we think will happen after the City implements this Taxi Code:

1. The City's taxi customers are going to face longer and longer waits for cabs, particularly short haul customers, including Seniors and DOT customers.
2. Drivers will continue to leave the City, either to work in another jurisdiction or at the airport, and they will not be replaced. In the end, what happened in Baltimore and Philadelphia will happen in Alexandria, and the City will be left with no cabs. We have seen a dramatic acceleration in the number of drivers leaving the City this past year, and a dramatic downturn in the number of replacement drivers. We think the process of emptying the City of cabs will take no longer than a year.
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Sincerely,

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*ALSO DC BAR
+ALSO TENNESSEE BAR

May 4, 2005

By Hand Delivery

Mayor, Members of Council and City Manager
Room 2300
City Hall
301 King Street
Alexandria, VA 22314

Re: Comments on the "revised" draft Taxicab Ordinance

Dear Mayor, Members of Council and City Manager:

Enclosed are detailed comments on behalf of Alexandria Yellow Cab regarding the revised draft Taxicab Ordinance. The most important concerns have been highlighted with an asterisk and with bolding.

We appreciate that staff has worked so hard to incorporate many of the comments by us as well as other parties. However, we still have serious concerns about the draft ordinance. The most serious are summarized as follows:

1. The number of drivers permitted to transfer each year – up to 10% – makes the industry unstable. See comments on Section 9-12-30(a)(2). Basically, we cannot support more than 2% being permitted to transfer with their certificates each year – unless the City imposes very significant dispatch requirements on the driver and new company.

2. The failure to impose explicit standards on drivers to handle dispatch calls seriously undermines the ability of companies to provide service. See comments on Sections 9-12-30(a)(2), 9-12-31(b), 9-12-57(l), 9-12-57(o). We believe that all drivers should be expected initially to pick up an average of 2 dispatch calls per day. This average per day should increase every year until at least 50% of a driver's business is dispatch. In addition, 51% of each driver's trips should originate or terminate in the City of Alexandria.

NOTE: We are asking for explicit standards for drivers. If the City wants to put them into the regulations, the draft regulations should be adopted by the Manager simultaneously with the new ordinance. We are also asking that regulations referenced in other parts of the ordinance also be provided now for adoption with the ordinance.

3. The ordinance imposes unnecessary and highly intrusive and detailed rules on companies. See comments on Sections 9-12-31(d)(3)(stating the reasons we oppose the City requesting financial and income information from any party), 9-12-31(h)(regarding dispute resolution processes), 9-12-31(k-l-m-o)(notice and reasons for stand dues increases, requirements for disciplinary action, financial and tax information), 9-12-33(requiring the management of driver responsibilities), 9-12-142(requiring “good cause” for disciplinary actions), SECOND 9-12-142(too much dispute resolution procedures). Our concern is that all of the requirements will radically change the “at will” nature of the relationship between companies and drivers to further undermine the ability of companies to manage drivers to ensure that dispatch calls are picked up.

4. To be effective, enforcement is absolutely required. That requires monthly information, actual staff review and analysis, and follow-up action. For over 20 years, the City has not enforced the current rules, which are far simpler than the ones being proposed. See comments on Sections 9-12-1, 9-12-30(a)(2)(last paragraph), 9-12-31(d)(3), 9-12-32(h), 9-12-32(n), and 9-12-56(b). In some instances, we have suggested that the City not demand certain information because if you collect it, you ought to analyze it to some end, and much of what is being demanded is very tangential to the City’s main concern – that good service is being provided. To spare itself the administrative burden of analyzing and acting upon tangential information and to avoid unnecessary intrusion into the business of the companies and drivers, the City ought NOT collect financial and tax information from companies or drivers and ought NOT require worker/employment policies and other information from companies. The City ought to collect company information about the number of dispatch trips and response times so it can determine the level of dispatch service provided by the company to drivers and the public; and the City ought to collect manifest information from drivers so it can be determined if dispatch calls are being served by the driver and if Alexandrians are being served sufficiently.

We urge you to make additional changes before adopting this proposed ordinance. Without those changes or reasonably acceptable alternatives, then we cannot support the proposed ordinance. If our recommendations cannot be accepted with a view toward prompt, strict, and aggressive enforcement, then the Council should reject the proposed ordinance and enforce the current ordinance. If you have any questions, please contact me.

Sincerely,



Lonnie C. Rich

c: Jim Yates

Comments regarding the revised draft Taxicab Ordinance Alexandria Yellow Cab

**** Section 9-12-1.** Definitions. We appreciate the addition of a definition of “dispatch service,” but recommend that it be strengthened as follows:

Dispatch service. The provision of taxicab service in which 1) customer requests are received by a Taxicab Company at a central facility by telephone, in person, or other means, 2) such requests are communicated to drivers by two-way radio, or other data communication service with equivalent functionality, 3) customers are served by that Taxicab Company or some other Taxicab Company within standards set by regulations, and 4) dispatch information is reasonably reliable and verifiable.

I want to reiterate that if there is to be 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.

If there is a communication of a customer request, but no drivers actually serves the customer, then you do NOT have a dispatch service. Also, just saying, “I provide dispatch” does NOT mean that you actually have a dispatch service. If good dispatch information is not required, and we recommend making it a part of the definition, then we are likely to end up exactly where we have been for the past 20 years with a number of companies simply being “airport” companies.

Furthermore, the information will have to be actually collected and analyzed by staff on a periodic basis. If it isn’t, then the quality of information and the quality of dispatch service will deteriorate if companies and/or drivers do not believe it is being reviewed seriously.

**** [NEW] Section 9-12-22(e).** There needs to be a provision grandfathering the existing cab companies so they are not required to file an initial application for a certificate of public convenience.

Section 9-12-25(b)(last sentence). “No application shall be considered completed . . .”

**** Section 9-12-30(a)(2).** We remain opposed to 10% of the drivers from a company 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 discourage investment in equipment and personnel for dispatch services. While we do not support any number being permitted to move, we believe that much of the adverse impact can be avoided if no more than 2% are permitted to transfer with their certificates each year.

Although staff has opined that all companies, even the smaller ones, now have the equipment and personnel to provide dispatch, we do not believe that is the case. Without appropriate

equipment, there is simply no way to verify whether a company is providing dispatch or not; and dispatch services cannot be managed without a significant increase in personnel, which we have no basis for believing has occurred; and dispatch service cannot be generated without significant advertising or marketing, which we also have no basis for believing has occurred.

There should be an explicit requirement that, for a driver to be eligible for a transfer under this section, the driver must have met the service requirements of 9-12-57(o) and the receiving company must have met the requirements of 9-12-32(c). As noted in our earlier comment, 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.

Note that the application date for a transfer should be changed from November 15 to September 1, in order to be considered by the Board in the annual review as provided in Section 9-12-31(a).

**** Section 9-12-31(b).** After this subsection, add the following: “(bb) Service information required to be submitted by drivers pursuant to 9-12-57 (o) shall be considered by the Board and the city manager as part of the review.” Not only is this necessary to balance the required consideration of company performance, but it is also crucial in addressing one of the most basic problems in the industry – getting drivers to do dispatch, especially the short trips.

**** Section 9-12-31(c).** The staff needs to give an example using a real company with actual dispatch information to show how the formula will work out in practice.

**** Section 9-12-31(d)(3).** We are still concerned about the City giving consideration to the ability of drivers to earn a living wage. You simply cannot consider it without requiring 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. We are opposed to the City delving into the income and financial affairs of any party for three reasons: 1) It is very intrusive into the business of the company and the drivers; 2) It will be abused by the parties; and 3) The City cannot do these kinds of reviews without a substantial increase in staff. If you are not going to commit the necessary staff and collect full, complete, verifiable information, then the City will just be dabbling in these issues to

distraction. 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.

**** Section 9-12-31(i).** Add a new subparts (4) and (5) as follows:

“(4) Whether and to what extent the driver has met service standards required by 9-12-57(o).

(5) Whether the driver is requesting transfer to a company that provides greater per-driver, per-day dispatch than the current company.”

Section 9-12-32(b). Delete the word “local.”

**** 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 certificate 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 rejected this recommendation in connection with the previous draft, but we believe our proposed language is more than sufficient to provide some process for resolving disputes. Our concern with the staff language is that the more process there is, the more opportunity there will be to complain of mistakes in process. We understand that staff does not want to mediate individual disputes between drivers and companies, but the way to do that is simply to say, “No, you have to go to the other party.”

**** Section 9-12-32(j).** Again, 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.

**** 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. If you simply have to legislate the number of days, then make it 5 or 7 days.

We strongly 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. A company should not have to have a reason for raising its stand dues. That a company simply wants more money is OK. That is the way a free market works. If a company exceeds what the market will bear, drivers will simply not pay, but will seek to work for another company.

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.

**** Section 9-12-32(m).** We still object to filing the requirements for 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 the information? Surely, there is enough to do in monitoring the service levels provided by the cab companies and drivers.

**** Section 9-12-32(n).** The monthly information must be provided monthly and staff must analyze it monthly. If not, the quality of information will deteriorate over time and by the annual review will be worthless, and the City will be back into a situation of non-enforcement.

**** Section 9-12-32(o).** We still 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 has indicated that this requirement is necessary to regulate fares. We respectfully disagree. The only information needed to evaluate fares is the public’s ability and willingness to pay a fare as well as comparative fare information from neighboring jurisdictions.

**** Section 9-12-33.** This section, involving revocation or suspension of certificates, still 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. The staff added language about a company’s failure to “manage and operate the company” so as to avoid some driver problem. We are concerned that, at some point, all this additional “management” is going to cause drivers to be more like “employees,” not independent contractors.

**** Section 9-12-34(a).** This section, regarding the effect of not operating authorized vehicles still needs to be revised. First, there should be no “automatic” termination. There will be factual questions and a hearing should be afforded.

Second, 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) or at least 6 months to ensure that vacant certificates are filled. The reason for one year or 6 months, 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.

**** Section 9-12-56(b).** 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 as well as fares.

With the manifest, drivers should also be required to offer a completed receipt 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. Receipt information if prepared and offered (and even if not accepted by the customer) will provide contemporaneous information against which to compare the manifest or else will ensure that manifests are also completed contemporaneously.

Furthermore, manifests and duplicate receipts must be provided to the City monthly, just as companies should be required to provide monthly information about service levels (dispatch numbers and call response). Again, it will be imperative that the information be analyzed monthly. If not, the quality of information will deteriorate over time and by the annual review will be worthless, and the City will be back into a situation of non-enforcement.

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

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.”

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

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

**** Section 9-12-57(o).** Amend as follows: “All drivers shall comply with customer service related provisions and shall provide information necessary to determine compliance, all as prescribed by regulation.” We understand that “by regulation” initially all drivers will be expected to average “x” dispatch calls per day. We suggest that there also be a requirement that 51% of all trips by any driver shall either originate or terminate in the City. If these two requirements are enforced, and if “x” is gradually increased to a significant number, like 5 or 6 calls per day per driver, then you will surely have a taxi system in which dispatch service is provided to the City.

**** Section 9-12-132.** Please don't wait until the annual review. 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.

Section 9-12-136. If the City is going to consider a living wage, which we oppose, then require drivers to OFFER a completed receipt to every passenger, as opposed to providing them only upon request. This contemporaneously required document will be used to verify the manifest information, which is often filled out long after the fact.

**** 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. Such a requirement radically changes the "at will" nature of the relationship between drivers and companies. 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.

**** 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.

**** 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. Although T&ES staff responded that they are willing to enforce the inter-jurisdictional agreement, we have complained numerous times over the past year or so about this problem to no avail. Also, we think that by adding this provision, the hack office should be able to enforce the requirements, thus relieving T&ES of this responsibility.

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5-14-05

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May 4, 2005

By Hand Delivery

Mayor, Members of Council and City Manager
Room 2300
City Hall
301 King Street
Alexandria, VA 22314

Re: Comments on general deterioration in the taxicab industry/Notice of Termination

Dear Mayor, Members of Council and City Manager:

In this letter, we are ringing an alarm bell regarding general deterioration in the taxicab industry. There is an ugly confluence of forces that is resulting in a meltdown within the dispatch industry.

Alexandria Yellow Cab and Alexandria Diamond Cab for years have been the model of good corporate citizenship (handling the seniors and DOT program) and for providing solid dispatch services for Alexandria. Now, however, Diamond Cab is failing as a dispatch company, and Yellow Cab is slowly being strangled.

The ugly confluence has a number of interrelated components. 1) There is a growing vacancy rate combined with negative policies and practices in the City's testing of new drivers. 2) There is the mounting stress caused by the City's failure for 20 years to enforce its own rules combined with the general uproar over the past 5 years with prolonged agitation and debate over who controls the certificates. 3) There is the growing refusal of drivers to handle the seniors and DOT customers combined with the antiquated system for handling seniors and DOT customers. 4) There is the encroachment of Red Top into the City picking up the cream, but with no responsibility for the short, difficult trips. 5) Finally, there is the prospect now of a new ordinance, which creates additional instability for the dispatch companies and further weakens their ability to manage drivers and provide service to the broader public, including seniors and those with disabilities.

VACANCIES AND TESTING

The greatest concern now is that there are not enough drivers with a hack permit to fill vacancies. Until recently, Alexandria Yellow Cab always had a long waiting list of drivers wanting

to come into Yellow. It is estimated now that Alexandria Yellow Cab, Alexandria Diamond Cab and White Top Cab combined have over 90 vacancies. The reason for the vacancies is largely normal attrition – drivers leaving the industry or moving to another company or another jurisdiction. The problem is that we cannot get replacement drivers. And that is not because we don't have many, many people who are trying to become drivers and to work for these companies.

The problem, we believe, is that the City has test-giving policies and/or practices that do two things: 1) Severely limit the number who can take the test. Only 11 people can be tested twice a month. In Arlington and Fairfax, the tests are given once or twice a week. There are many drivers on the waiting list and more importantly, many who are not permitted to be put on the list. 2) Result in only a very small percentage to pass the test – maybe 5% or 10% over the last 6-8 months.¹ This is a recent phenomenon. In the past, most drivers in Alexandria passed the test. In Arlington and Fairfax, there is a significantly higher pass rate.

We also believe that what City staff may be trying to accomplish is to reduce the number of drivers in the City – while not necessarily a bad goal, the means are having a disastrous impact on the dispatch companies. We are concerned that the City may be making a concerted effort to fail as many driver applicants as they possibly can. We understand that the City is grading the tests on a hyper-technical basis. Here are some examples of what we have heard. If the applicant merely says, “Duke” and not “Duke Street,” it is wrong. If the applicant misspells Duke Street, as “Duk Street,” it is wrong. (For Yellow Cab, spelling is irrelevant because street names are spelled on the GPS/computer screen for drivers). Anecdotally, one of Yellow Cab's applicants, who has been working the 15 years as a dispatcher, has failed the test two times!!

We also understand that the City has very technical procedural rules for being permitted to take the test or get on the waiting list, so that a driver has to be extremely motivated to even try and get a license in Alexandria. We must make sure that what is being asked of drivers is actually relevant to modern taxi business. If we are even partially correct in what we are hearing, then this is an outrageous situation and must be stopped. It is hurting both prospective drivers and dispatch companies.

We believe the forgoing is true and ask that the Council order an investigation of the matter of test procedures, how often tests are given, how many are permitted to take the tests, how waiting lists work, what kinds of questions are and ought to be asked, how the answers graded. Your investigation should compare current practices to what was happening in Alexandria over the past several years and to what is happening in Arlington and Fairfax. This investigation must result in changes – namely, drivers permitted to take the test at such times as will eliminate the waiting list and with such questions and grading as will result in a reasonably qualified pool of drivers that can provide service to the public.

¹ This percentage may have improved over the past three months, but it is still too low. According to our information, of 38 new driver applicants, only 5 passed the test. Out of 7 re-applicants (experienced drivers whose license expired), only 1 passed the first time, 2 passed the second time, 2 passed the third and 1 failed the third time and must wait for one year to retake the test.

STRESS AND UNCERTAINTIES ARISING FROM FIVE YEARS OF “CONSIDERING” HOW TO AMEND TO TAXI ORDINANCE

For over 20 years, the City has had an ordinance that, if enforced, would have guaranteed dispatch service for the City. For over 20 years, that system has never enforced. To the best of our knowledge, there has not been one company to be disciplined for failing to provide dispatch service. Similarly, there has not been one driver to be deprived of his hack license for not providing service to Alexandria – i.e., not one instance of enforcement of the rule that 51% of each driver’s trips must originate or terminate in the City.

For the past 5 years, the City has been actively considering how to amend the system to provide dispatch and greater equity between drivers and companies. With this issue on Council’s agenda for so long, drivers are emboldened not to serve the City, but simply work the airport and to refuse to do the short trips (elderly and disabled) which are absolutely dependent upon dispatch services. (This is a substantial factor in what caused Diamond Cab to fail.) Alexandria Yellow Cab, which now has responsibility for the City contracts, is having a more and more difficult time getting drivers to do the short trips. The vacancies, discussed above, only exacerbate this problem.

INEFFICIENT SYSTEMS AND LACK OF DRIVER INCENTIVES MAKE CITY CONTRACTS INCREASINGLY DIFFICULT TO SERVICE

Six months ago, after the transfer of 56 certificates from Diamond to Yellow, Yellow Cab had approximately 120 drivers who would do City contract work, handling the seniors and disabled. Now, Yellow has about 70 or 80 drivers, which means that at anyone time, there are fewer and fewer and sometimes no drivers actually on the streets and potentially available to provide service. What drivers are paid to do this work combined with all the extra time requirements for service make these jobs less desirable than regular dispatch, personals, or airport service; and drivers are increasingly refusing to handle them. Especially with the huge vacancies rates now, the companies are not able to force drivers to be available to service these calls. Unless the fee arrangements for drivers is substantially increased, there will be no way to find enough willing drivers to handle the volume of seniors and DOT customers.

In addition, the system for handling seniors and the disabled is very inefficient and needs to be totally restructured so that it is run completely by the company and so payment is handled by a “credit card” swipe system. Our recommendations here are more complex than can be discussed in this letter, but we are willing to discuss how we would be willing to reform the system and carry out this service to the community.

RED TOP

The City needs to address the problem of Red Top coming to Alexandria to handle the cream and not be responsible for short trips. We have repeatedly complained about Red Top and while staff has stated a willingness to enforce the rules, we have no indication that a single enforcement action has ever taken place. To our knowledge, the City does not even have a fully signed copy of

the inter-jurisdictional agreement that provides the basis for enforcement. The failure to address this problem hurts dispatch drivers and dispatch companies.

CURRENT PROPOSAL

The current proposal will weaken the companies and impose intrusive requirements that, we believe, will break the camel's back. Under separate letter with today's date, we submitted our comments on the revised draft Taxicab Ordinance.

Our greatest concern is with the lack of accountability of drivers to perform all dispatch work as a condition of driving with an Alexandria hack license and as a condition to any transfers that may be permitted.

Another major concern is that all the regulatory intrusiveness into the business of the companies is going to further weaken the ability of companies to manage drivers.

The final major concern is that the City, after passing a new ordinance, is going to think the issue is solved. It will not, however, be solved without serious enforcement of the rules. Enforcement will mean doing what the City has never done or wanted to do, which is to have the will to put companies out of business and/or revoke driver permits.

NOTICE OF TERMINATION OF CONTRACTS

We are genuinely distressed by all of this. We frankly do not see any way the City can or will be able to address our concerns within a reasonable period of time; and, as I said in the second paragraph of this letter, Yellow Cab is being strangled.

We have no choice but to do the best we can to protect the business we have. Ironically, these are the best and worst of times. As a result of increased marketing, Alexandria Yellow Cab's dispatch business is booming. The number of calls per day has increased over the last few months from approximately 2000 per day to now 2700 per day, but we don't have enough drivers. While there are many people who want to drive, they cannot pass the City test to get their hack license. We have too many vacancies and not enough drivers willing to handle the seniors and DOT customers. For all the reasons laid out above, we simply cannot continue to provide these services.

We are hereby giving the City a 90-day notice that those contracts are being terminated. Pursuant to paragraph 9.02 of the DOT contract dated July 13, 2004, we are giving this formal notice of termination. There is no formal contract for the senior taxi program and so no notice is required; nonetheless, we are giving notice that in 90 days the senior taxi service will no longer be provided by Alexandria Yellow Cab. By copy of this letter, we are providing this notice of termination to the Senior Services, which has managed the senior taxi service.

We genuinely regret the necessity of our action and the need to make this plea for the City to move in a positive direction to alleviate a worsening situation, but we believe that this is essential in order to ensure service to all the citizens of Alexandria. Jim Yates, owner of Alexandria Yellow

Cab, personally played a major role in starting these programs years ago. He does not want these programs to fail. However, his and Yellow Cab's reputation are being adversely affected by the inability to provide the level of service that has been provided in the past.

For the next 90 days, Alexandria Yellow Cab will continue to provide the service to the best of its ability. We will also work to find solutions that might enable Alexandria Yellow Cab or some other company or entity to provide this important service to Alexandrians. We will cooperate fully in turning these services over to the City or some other vendor.

If you have any questions, please contact me.

Sincerely,



Lonnie C. Rich

c: Jim Yates
Eileen Longstreet, Senior Citizens Employment Services
Chet Avery
Jon Liss
Barbara Beach
Josh Henson
Jack T. Pitzer, City Purchasing Agent
Thomas Culpepper, City Purchasing Agent's Technical Representative

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5-14-05

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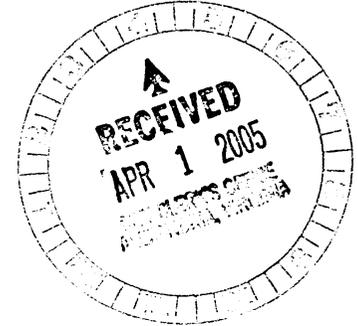
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* ALSO TENNESSEE BAR
^ ALSO MARYLAND BAR

April 1, 2005

By Hand Delivery

Mayor, Members of Council and City Manager
Room 2300
City Hall
301 King Street
Alexandria, VA 22314



Re: Comments on the draft Taxicab Ordinance

Dear Mayor, Members of Council and City Manager:

Enclosed are comments on behalf of Alexandria Yellow Cab regarding the draft Taxicab Ordinance. Although all of the details are important, I have marked with an asterisk those comments which I believe are the most significant.

As you make your review, I urge you to keep your eye on what kind of system will provide the type of public service you are attempting to ensure. You should remember that the sedan and limo services are totally unregulated; and they service the ultimate "cream" in private transportation – wealthy families going to the airport or business people going across town to meetings. Taxicabs, on the other hand, are a regulated industry and are here for the sole purpose of ensuring that all the others who need service can obtain it within a reasonable time frame and at a reasonably affordable price. Although taxicabs also service some of the cream, their primary obligation is to serve the broader public – the elderly, the disabled, those in poorer communities, those desiring only a short trip. They rely on dispatch services in order to be served. Providing dispatch services, as we have proposed to define it, is capital and labor intensive; and it is expensive. Stability for the companies is very important if they are to make the kind of investments in personnel and equipment that are needed to provide dispatch services. As you attempt to provide for driver movement, which creates instability for companies, you should try to incorporate some of our suggestions for a way to do it with a view toward rewarding drivers and companies that provide dispatch services.

Because we have so many comments (and I am sure that other parties will also have many

comments), it may be wise to delay the public hearing until May to give all sides and staff an opportunity to review each other's comments and to try and narrow the differences if possible.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonnie C. Rich". The signature is written in a cursive style with a large, prominent initial "L".

Lonnie C. Rich

c: Jim Yates

Comments regarding the draft Taxicab Ordinance Alexandria Yellow Cab

**** 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.

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 . . .”

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.

**** 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.

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.

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.

**** 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.

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

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.

**** 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.

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.

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.

**** 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.

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.

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.

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.

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.

**** 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.

**** 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.

**** 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.

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.

**** 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.

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.

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

**** 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.

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.

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).

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

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.”

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

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

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

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?

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.”

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.

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.

**** 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.

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.

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."

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.

**** 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.

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October 26, 2004

Philip Sunderland, City Manager

Room 3500

City Hall

301 King Street

Alexandria, VA 22314

Re: Taxi Advertising

Dear Mr. City Manager:

Enclosed is a proposal for taxi advertising. As noted in the proposal, advertising could be beneficial to the drivers, to the companies, and to advertisers, as well as to the general public.

We wanted to give you advance notice of our plans so that we can work cooperatively with the City. I do understand that a question has been raised in the past by the hack office about whether taxicabs can carry any advertising. However, we are not aware of any restriction in the City Code. If there is some rule prohibiting advertising, we ask that it be changed to permit the advertising we have proposed.

I would note that many buses carry advertising. Other businesses and individual car owners can and do advertise on their vehicles. Unless there is some strong policy reason against taxi advertising, we plan to proceed with our proposal in the next few weeks.

Thank you very much for your consideration of this matter. We would be happy to discuss this with you and/or the other companies and drivers.

Sincerely,



Lonnie C. Rich

c: Mayor and Members of Council
Jim Yates, Alexandria Yellow Cab, Inc.

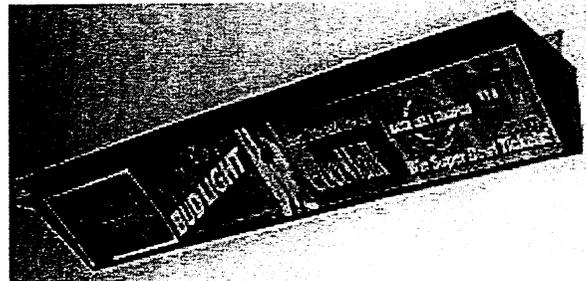
PROPOSAL: TAXI ADVERTISING

The following is a proposal to develop taxi advertising in the City of Alexandria. This proposal contains information regarding the type of advertising AYC wants to use. It also discusses the responsibilities and benefits to cab companies, drivers, advertisers and the public.

TAXI ADVERTISEMENT

Alexandria Yellow Cab requests that it be permitted to advertise in the following ways:

- I. *Illuminated Interior Plastic Headliner Display*
Dimensions: 33" L x 6.5" H x 4.5" W
 - A. Mounts to the headliner of the cab.
 - B. Provides additional illumination for passengers entering and exiting cabs.
 - C. Ability to sell one, two, or four ads per display.



(pictures courtesy of www.marvintaxiadv.com)

- II. *Two Sided Illuminated Plastic Rooftop Display*
Dimensions: 57.5" L x 18.5" W x 15" H
 - A. Mounts to taxi roof top.



(picture courtesy of www.marvintaxiadv.com)

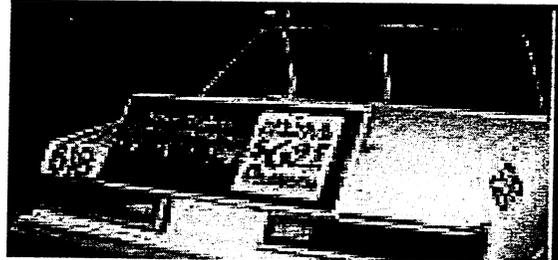


(picture courtesy of www.andystoplites.com)

III. *Trunk Ad Carrier*

Dimensions: 16.5" H x 35.75" L Poster

- A. Light weight aluminum.
- B. Sign swings out of place to open trunk.



(pictures courtesy of www.marvintaxiadv.com)

IV. *Window Wing*

Dimensions: 12" H x 24" W

- A. Less wind drag so it rides smoothly.
- B. See through brackets.

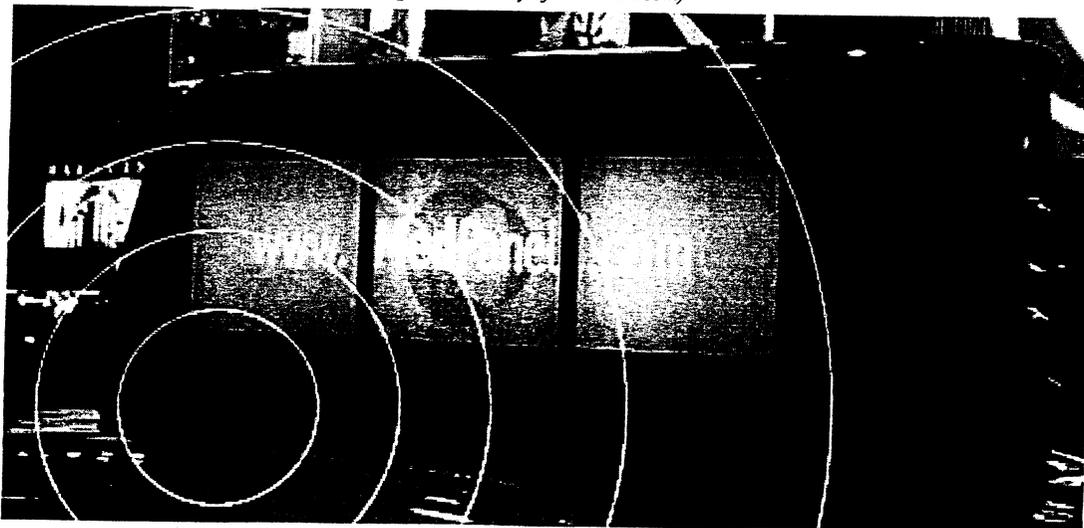


(photo courtesy of www.andystoplites.com)

V. *Video-Interactive-Display*

- A. Uses GPS to advertise depending on time and location

(photo courtesy of www.vert.com)



ADVERTISING RESPONSIBILITIES AND BENEFITS

Alexandria Yellow Cab will market this concept and find advertisers interested in this type of promotion for their goods or services. The advertising will be commercial, not political. Alexandria Yellow Cab will earn fees from the advertisers and assist drivers in fitting their cars to carry any such advertising.

Advertisers will pay a fee to the cab companies and benefit for the following reasons:

1. Taxis are a demand led medium.
2. Taxis follow the population flow throughout the day.
3. Advertising reaches businesses, consumers, tourists and convention trade.
4. Taxis are never "zoned out," meaning they reach ALL neighborhoods.
5. Taxis are at eye-level mobile medium for pedestrians, other vehicles and in-taxi audience.
6. Taxis are dominant in city centers.

Drivers, who agree, will carry the advertisement on/in their vehicles and will receive a fee from the companies for this. Fees earned can offset stand dues or otherwise increase driver compensation.

The public will benefit in several way. Alexandria Yellow Cab will dedicate a certain amount of space for public service announcements, such as upcoming events or local historical sites. Also, the additional lighting provided by the advertising inside the cab will help customers; such lighting may also deter criminal activity.