

City of Alexandria, Virginia  
MEMORANDUM

DATE: JUNE 6, 2005  
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: JAMES K. HARTMANN, CITY MANAGER   
SUBJECT: REGULATION OF THE ALEXANDRIA TAXICAB INDUSTRY

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

**RECOMMENDATION:** That City Council:

- (1) Receive this report and the accompanying ordinance to revise the City's taxicab regulations for second reading; and
- (2) Approve the accompanying ordinance, as may be amended, on second reading and final passage.

**BACKGROUND:** On January 25, 2005, Council received a framework proposal for revising Alexandria's taxicab regulations. At that time, Council identified a number of desired changes in the proposed plan, and directed the City Attorney and staff to prepare amendments to the City Code implementing the proposed framework. A draft ordinance implementing this framework was prepared, distributed to the taxicab industry and stakeholder groups for comment, and a revised draft ordinance was introduced to Council on April 12, 2005. Since that time, Council members and staff have continued working with industry and stakeholder groups to resolve outstanding issues and concerns. This dialog provided comments and recommendations for revisions to the proposed ordinance, as reported to Council on May 14, 2005, (Docket Item 10, Attachment 1). On Saturday, May 14, 2005, Council conducted a public hearing on the proposed ordinance. Based on prior industry comments, testimony received at the public hearing and Council's discussion of the proposed ordinance, several issues remain or emerged on which consensus could not be reached.

**DISCUSSION:** Issues remaining for Council consideration and determination prior to enactment of an ordinance include:

1. The percentage of owners (drivers) that may have the authorizations under which they are operating transferred to another company each year and the related loss of authorizations by individual taxicab companies;

3. Consideration of “airport only” drivers;
4. Competitive enhancements for small taxicab companies; and
5. Requirements for a dispute resolution process.

Discussion of these issues and options follows.

### **Driver Mobility and Transfers of Taxicab Authorizations**

Three fundamental and related issues concerning driver mobility and transfers of authorizations among taxicab companies remain for resolution. These issues and options for their resolution are presented as a group below, and can be combined in several ways as desired by Council.

#### **Annual Transfers of Taxicab Authorizations**

**Issue:** What should be the limiting percentage of taxicab authorizations that any one company could lose each year, on net, as a result of driver movement to another company, thereby reducing the maximum number of taxicabs authorized for that company?

**Code Sections Impacted:** Sections 9-12-30(a)(2) and -31(c)(1).

**Options:** As provided in the current proposed ordinance, the net loss of authorizations that any one company may experience as a result of driver-requested changes in affiliation each year will be limited to:

1. 10% in any one year (Percentage in proposed ordinance)
2. 20% in any one year (Percentage drivers claim to be minimum acceptable)
3. 2% in any one year (Percentage companies claim to be maximum acceptable)
4. 20% in first year, 5% each year thereafter (Option offering something to both sides)

The current proposed ordinance permits a higher level of transfer, an additional 5%, during any year in which a new company is issued a certificate of public convenience and necessity. In addition, the existing process by which drivers may transfer into open authorizations at another company without impacting the number of authorized cabs at either company remains allowed, as under the current Code.

#### **Adjustments to Authorization Transfer Limits**

**Issue:** What adjustments, if any, should be made in the annual transfer process to ensure that companies providing exemplary dispatch service do not lose so many taxicab authorizations that service to dispatch customers is adversely impacted?

**Code Sections Impacted:** Section 9-12-31(c) regarding “min/max” and Section 9-12-30(a)(2) regarding “backfill”. Each option is included in the current version of the proposed ordinance.

**Options:** In order to encourage development and maintenance of strong dispatch capability

and support exemplary customer service, two options are available to reduce the possibility that a company may lose authorizations that are necessary to serve its demonstrated demand for dispatch service. These are:

1. The “min/max” process set forth in the current proposed ordinance at section 9-12-31(c) limits the number of authorizations a company could lose due to driver transfer based upon company dispatch volume and related customer service needs.
2. A “backfill” process set forth in 9-12-30(a)(2) allows the City, through re-issuance of authorizations recovered due to attrition and/or issuance of new authorizations, to replace some of the authorizations that are lost due to driver transfers. This backfill provision would only apply in cases where the City determines that dispatch and customer service would suffer from the company’s loss of authorizations.

Council may decide to choose either of these adjustment options, neither one, or both.

### **Three-Year Mobility Guarantee**

**Issue:** Should owner/drivers be assured that they will be permitted to transfer affiliation to another company within a set period of time?

**Code Sections Impacted:** Section 9-12-30(2)

**Option:** This provision, as set forth in the current version of the proposed ordinance, guarantees that in addition to the above provisions, every driver would be permitted to move after no more than three years if the driver had been turned down previously due to failure to meet seniority thresholds. Under the proposed system, if the number of drivers seeking to transfer exceeds whatever allowed amount council adopts, applicants will be approved up to the allowed percentage based upon their seniority as Alexandria-permitted drivers. The Three Year Movement Guarantee would enable any driver that has unsuccessfully applied for transfer in two consecutive years to transfer upon application in the third year regardless of seniority and percentage limitations. In providing this guarantee, Council could also decide to provide the “backfill” provision previously described under Adjustments to Authorization Transfer Limits (option 2) in order to mitigate any adverse impacts to a company’s dispatch-related customer service. This guarantee could be added to any of the authorization transfer options presented previously under Annual Transfers of Taxicab Authorizations.

**Discussion and Staff Recommendation:** Currently, about 12% of drivers move between companies each year, either by moving to an open certificate or arranging with a driver at the accepting company to assume use of his certificate card. The transfer percentages under discussion are in addition to this current 12% movement and the options presented specify net movement. Thus, driver movement in the annual review process may be greater than the specified number as drivers both move to and from a given company.

The 10% driver movement level provides for very substantial driver mobility, totaling about 22% each year (including the existing movement). This is a substantially higher level of driver mobility than other cities typically experience – not surprisingly given the significant

cost incurred in repainting vehicles. Staff believes that in the long term, 10% driver movement will satisfy drivers' desire to move to other companies. However, should the demand for movement exceed expectations, the Three Year Movement Guarantee assures drivers that they will not be turned down for more than two consecutive years if they apply to move. This result is actually better for drivers than a 20% driver movement, which only assures movement every five years.

While the 10% and Three Year Movement Guarantee assures drivers of sufficient ability to move between companies, the min/max process assures that companies will retain a sufficient number of cabs to effectively serve dispatch calls. The minimum in the min/max formula will be set each year by the Traffic and Parking Board, based on applications by companies and after a public hearing, based on the dispatch needs of each company. An important issue raised by some companies has been their ability to serve dispatch calls, and the min/max process ensures they can retain sufficient cabs to serve customers who call the company to request service.

These provisions also assure the smaller companies of sufficient time to build a viable dispatch business. Even were they to lose the full 10% in the first year (or 15% with a new company authorized), existing companies would have two and one-half years to build their dispatch business prior to any risk of falling below the 40-cab minimum (required in a different part of the draft ordinance). Two and one-half years is ample time for companies to undertake marketing and advertising to build their dispatch business.

Finally, these provisions assure the City and taxi users that there will be multiple companies offering effective dispatch service. The provisions provide very strong incentives for companies to market and advertise their dispatch service since companies must provide dispatch in order to continue in operation. The draft ordinance also requires that drivers follow company policies for serving dispatch trips. Companies will thus be able to establish policies that ensure there is a driver available to pick up customers requesting service.

Staff recommends adoption of the 10% net driver movement level in the draft ordinance, along with the min/max process and the Three Year Movement Guarantee. These three core provisions provide an equitable approach to achieving the City's core goal of good dispatch service, while also providing balance and equity for drivers and companies. Council may also wish to consider adopting the backfill provision, which would provide the City with flexibility to address particular situations that may arise in which maintaining company size would benefit dispatch and customer service.

### **Limitations on Company Size**

**Issue:** What should be the maximum percentage of vehicle authorizations that any one taxicab company should be allowed to hold?

**Code Sections Impacted:** Sections 9-12-29(b)(3) and -32(e).

**Options:** Discussions of increasing competition within the industry have included the need to impose limits on the maximum size of any taxicab company. Options proposed to date to address this need include:

1. In event of merger or consolidation of multiple taxicab companies, no more than 40% and in the case of a start-up or existing company, no more than 50% of total number of taxicabs authorized by City (As provided in original draft ordinance)
2. No more than 33 1/3% in any case (Proposed by Councilman Macdonald)
3. No more than 25% in any case (Proposed by counsel for King Cab and Columbus Cab)
4. No size limitation at all (Proposed by Councilwoman Woodson and drivers' advocate Kathleen Henry)

Under either option 2 or 3, some period of time would have to be provided for companies with more than the allowed maximum to come into compliance. This would require adding the following language to section 9-12-32(e):

“Any company having more than the allowed maximum percentage of total taxicabs on [the effective date] shall have [To be determined by council] months to come into compliance with the terms of this section.”

In addition, the current proposed ordinance has a 30-month “sunset” for the limitations set forth in option 1 above.

**Discussion and Staff Recommendation:** The basic reason for establishing company size limitations is to prevent any one company from gaining a dominant share of the market. Once a dominant market share has been established, it is difficult for other companies to compete since the dominant company is more likely to have an available cab closest to a given customer calling for a cab. Although having one dominant company can lead to excellent service due to the economies of scale in the taxi dispatch business, it can also tie the City's hands if poor management or lack of investment leads to poor service. The City is better off with multiple companies in competition with each other and offering choice to both customers and drivers.

The 40%/50% caps are consistent with Alexandria having three dispatch companies of varying size, each with the ability to grow – and thus an incentive to provide good dispatch service. These caps would not currently affect any company, and thus no company would need to shrink its operations or turn away dispatch customers who request service.

A limit of 33 1/3% could lead to there being three companies, each locked into 1/3 of the market and no opportunity to grow. A limit of 25% would require there being four companies, potentially each locked into 1/4 of the market and also with no opportunity to grow. Four companies may also spread the dispatch business too thinly across companies from a dispatch efficiency perspective. Both the 33 1/3% and 25% limits would require an existing company to contract and could limit the company's ability to service current dispatch call volumes.

Staff recommends adopting the 40%/50% provision in (a) as an effective way to promote competition in the industry among a viable number of companies.

### **Recognition and Distribution of Airport Only Drivers**

**Issue:** Should the City take steps to “spread” airport drivers among different companies?

**Code Sections Impacted:** This would require drafting a new Code section

**Option:** Councilman Macdonald suggested at the public hearing that a certain number of “airport only” drivers be permitted and that these drivers be distributed among all authorized taxicab companies.

**Discussion and Staff Recommendation:** In order to implement this suggestion, an “airport only” class of drivers would need to be defined (a concept strongly opposed by drivers in earlier proposals), the number or percentage of airport drivers that would be permitted would need to be set, how they would be allocated among companies would need to be established and what authorization transfer (mobility) rights, if any, these drivers would have would need to be determined along with a process by which their distribution among companies would be maintained. These needs would require substantial changes in both the proposed regulatory framework and implementing code amendments.

In the City’s current taxicab industry, there are airport drivers or drivers who primarily work the airport at every company. These drivers help underwrite the cost of dispatch service even if they do not themselves take dispatch trips, thereby benefiting both the City and its dispatch customers. This suggestion raises the question of whether the ordinance should set the number of “airport only” drivers at each company and, as previously noted, introduces a number of new issues would need to be addressed in order to do so. From staff’s perspective, the larger questions are whether there is any public need to do so, and whether this is not best worked out between companies and drivers as companies set stand dues and drivers chose which company they wish to affiliate with.

Staff does not feel that this suggestion can be fully developed and fairly considered without substantial modification of the proposed regulatory framework. While this suggestion may be one to consider for implementation at a later date as industry and taxicab service needs may change, staff does not recommend it for further consideration at this time.

### **Competitive Enhancements for Small Companies**

**Issue:** Should small taxicab companies be granted a one-time increases in the number of authorizations in order to better allow them to compete with larger companies, develop dispatch service demand and maintain the new statutory minimum of 40 cabs in light of the ability of drivers to transfer authorizations among companies?

**Code Sections Impacted:** Depending on the option chosen, a new Code section 9-12-36

might be required, as follows:

If Option 1 below is chosen, then the following new section would be added:

**“Sec. 9-12-36 One-Time Increase in Authorizations for Small Companies**

Any taxicab company having fewer than 50 authorizations as of [the effective date] shall be granted sufficient authorizations on [the effective date] to bring each company’s total authorizations up to [To be determined by council]. Thereafter, the transfer of drivers and changes to the number of authorizations shall be governed by the applicable sections of this Title.”

If Option 2 below is chosen, then the following new section would be added:

**“Sec. 9-12-36 One-Time Increase in Authorizations for Small Companies**

Any taxicab company having fewer than 50 authorizations as of [the effective date] shall be granted sufficient authorizations during the first review and adjustment of authorizations pursuant to section 9-12-31(c) herein following [the effective date] to bring each company’s total authorizations up to [To be determined by council] after consideration of all transfer requests made during that first review and adjustment period. Thereafter, the transfer of drivers and changes to the number of authorizations shall be governed by the applicable sections of this Title.”

If Option 3 below is chosen, then the following new section would be added:

**“Sec. 9-12-36 Increase in Authorizations for Small Companies During Year When New taxicab Company is Granted Certificate**

Any taxicab company having fewer than 50 authorizations as of [the effective date] shall be granted sufficient authorizations during the review and adjustment of authorizations pursuant to section 9-12-31(c) herein when a new taxicab company is granted a certificate to bring each company’s total authorizations up to [To be determined by council] after consideration of all transfer requests made during that said review and adjustment period. Thereafter, the transfer of drivers and changes to the number of authorizations shall be governed by the applicable sections of this Title.”

**Options:** This issue can be addressed in several ways, including:

1. The small companies could each be provided 25 additional authorizations, which would require the creation of as many as 75 new authorizations.
2. The initial authorization transfer cycle could provide for a sufficient number of additional authorizations to be issued such that no company would fall below a preset level, say 60 authorizations, as a result of the transfers.
3. If Council wished to add extra authorizations in the event a new company is certificated, additional authorizations could also be added.

**Discussion and Staff Recommendation:** Under these competitive enhancement options,

City Council may allow City staff, based on recommendation by the Traffic and Parking Board, to distribute additional vehicle authorizations to existing and/or new companies that have less than 100 authorizations. Such distribution would occur only after a formal request is made by the company. These authorizations could come from either authorizations recovered through vacancies and attrition, or the issuance of new authorizations.

This option is proposed for a number of reasons. First, with a 40 cab minimum size requirement for all companies in the proposed ordinance, some of the smaller companies could be close to failing to meet this threshold after the first annual review, depending on the driver movement percentage that is adopted. Second, this option would create open authorizations at smaller companies, allowing drivers to move regardless of limitations on the transfer of authorizations. Third, smaller companies believe that this option would allow the smaller companies to be more competitive with the larger companies as they work to build their dispatch service.

Staff shares the smaller companies' concerns about the impact on them of the proposed ordinance. However, staff believes that provisions for driver mobility recommended above adequately meet these concerns.

First, with respect to company size, no smaller company would go under the 40 minimum for at least two and one-half years. This minimum would only be approached if a sizeable percentage of drivers chose to leave the company. All companies will be mandated to provide dispatch service, and thus the smaller companies will not be vulnerable to being undercut in their stand dues. They will, however, need to compete for drivers, but this is true for any business seeking to attract and retain workers in a competitive labor market.

Second, regarding the smaller companies' ability to provide dispatch, there are many examples of cab companies with 40-100 cabs that provide competitive dispatch service, even in cities that are geographically much larger than Alexandria. Thus, the companies in their current size or if two were to combine operations, when combined in size, have sufficient number of cabs to provide effective dispatch service. Furthermore, the draft ordinance requires drivers to follow company policies for providing dispatch service. Thus, staff believes that the draft ordinance provides smaller companies the opportunity to undertake the management and marketing activities necessary for them to build effective dispatch services.

### **Dispute Resolution**

**Issue:** Inclusion of dispute resolution requirements in the revised taxicab ordinance.

**Code Sections Impacted:** Section 9-12-32(h) and Sections 9-12-141 through -144 (Division 7).

**Options:** The current draft ordinance requires that all taxicab companies provide a process that includes binding arbitration for resolving disputes between owners and/or drivers and the company with which they are affiliated (section 9-12-32(h)). The proposed ordinance also sets forth a dispute resolution process to be followed (sections 9-12-141 through -144).

Options for this issue include:

1. Retain the dispute resolution requirement and compulsory process in the final ordinance.
2. Allow companies to adopt a dispute resolution process of their own choice so long as that process includes binding arbitration pursuant to Commercial Arbitration Rules R-1 through R-11 of the American Arbitration Association, and retain the process set forth in the proposed ordinance to apply if companies elect not to implement their own process.
3. Delete Sections 9-12-32(h) and 9-12-141 through -144 in entirety, thereby removing all dispute resolution requirements from the ordinance.

**Discussion and Staff Recommendation:** Considerations central to this issue are fair resolution of differences between companies and owners/drivers arising from their independent business relationships and reduction of the city's regulatory burden.

City staff is frequently called on 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 matters such as this or should provide flexibility to allow the process to be tailored to better meet their needs and those of their drivers.

Staff agrees that dispute resolution is a matter ideally 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.

Staff recommends Option 2 as a reasonable balance of company and owner/driver interests.

**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, which will need to be reviewed in the fall.

**ATTACHMENT:** June 1, 2005 Draft Ordinance.

**STAFF:**

Ignacio Pessoa, City Attorney

Christopher Spera, Assistant City Attorney

Richard J. Baier, P.E., Director, Transportation & Environmental Services

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June 1 Edits are Highlighted

**ARTICLE A.1: Taxicabs**

**DIVISION 1: Generally**

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

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

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

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

(3) Certificate holder. Any taxicab company, or taxicab owner still holding a valid certificate issued prior to February 15, 1983, which has been granted a certificate of public convenience and necessity as provided in this article.

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

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

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

(6) Driver. The person operating any taxicab.

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

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

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

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 under  
3 a conditional sales contract, lease, bailment or any instrument in the nature of a lien.

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

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

10 (13) Street. The entire width between the boundary lines of every way or place of whatever  
11 nature open to the use of the public for purposes of vehicular travel in the commonwealth  
12 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 the  
19 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 for  
22 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 between  
25 such points along the streets as directed by the passenger or passengers being transported.

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

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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 such  
4 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 article  
6 to obtain a certificate of public convenience and necessity from the city, unless such person  
7 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.

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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 his  
13 pleasure as hack inspector, and one or more assistant hack inspectors. The hack inspector shall  
14 exercise the powers and duties provided for in this article and do all things necessary to make  
15 effective the provisions of this article. The Chief of Police may designate the hack inspector  
16 to administer some or all of his powers and responsibilities under this Article.

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

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

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

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

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

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

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

9 (1) A public liability and property damage insurance policy with a company authorized to  
10 do business within the state in at least the amount of ~~\$500,000~~ \$450,000 combined single limit  
11 for death or bodily injury, and property damage, and every such policy shall contain a clause  
12 obligating the company issuing the same to give 15 days notice in writing to the hack  
13 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 (1) of  
16 this section; provided, that the director of finance of the city, after investigation, shall be fully  
17 satisfied as to the financial responsibility of the surety company on such bond.

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

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**DIVISION 2 Certificates of Public Convenience and Necessity**

**Sec. 9-12-21 Certificate required.**

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

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

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

(b) The applicant shall provide the following:

- (1) The full name and business address of the applicant and, if the applicant is a corporation, a certified copy of the articles of incorporation;
- (2) The full name and address of the registered agent or other person or persons upon whom legal process may be served and upon whom all notices or other matters relating to the administration and enforcement of this article should be made;
- (3) The trade name and the telephone numbers under which the applicant does or proposes to do business;
- (4) The financial status and responsibility of the applicant;
- (5) The maximum number and ownership of taxicabs to be operated under the applicant's color scheme;
- (6) A description of the type of service to be provided including the geographic area of the city to be served;
- (7) A description of the communications system to be used with specific reference as to the applicant's plan to provide adequate dispatch service to the public;

- 1 (8) A description of the color scheme, insignia and cruising light design to be used, which  
2 shall conform to regulations issued by the city manager;
- 3 (9) Any conviction, plea of guilty or nolo contendere of the applicant, or if the applicant is  
4 a corporation, each of the officers of the corporation, arising out of any violation of a federal,  
5 state or municipal law;
- 6 (10) The specific experience of the applicant in the transportation of passengers for hire and  
7 the management of a business engaged therein, including, without limitation, the disclosure of  
8 any ownership interest in any taxicab company anywhere at any time;
- 9 (11) All facts or circumstances which the applicant asserts to meet the applicant's burden of  
10 demonstrating that the public convenience and necessity requires granting the certificate;
- 11 (12) Fingerprints of the applicant, or if the applicant is a corporation, each of the officers of  
12 the corporation; and
- 13 (13) Such additional information as the city manager may require.
- 14 (c) All applications must be signed (1) by the president if a corporation or (2) by the legal  
15 representative if a business entity other than a corporation, and must be notarized.
- 16 (d) Such forms shall include a statement that "It is unlawful for any person to make a false  
17 or misleading statement in connection with this application and the making of any false or  
18 misleading statement shall be grounds for denial of the application or subsequent revocation  
19 of a certificate, and for criminal prosecution."

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

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

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

27 Upon the filing of any application for a certificate, the chief of police shall make or cause to  
28 be made a thorough investigation of the character, and traffic and criminal records, of the

1 applicant. The results of this investigation shall be submitted to the city manager on or before  
2 the public hearing held under section 9-12-25.

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

6 (a) Burden: The applicant shall have the burden of demonstrating that the public  
7 convenience and necessity require the operation of a new taxicab company and the  
8 authorization of any additional taxicabs that may be requested.

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

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

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

- 27 (1) The representations of the applicant as set forth in its application,  
28 (2) The results of the investigation made under section 9-12-24

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

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

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

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

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

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

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

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

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

24

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

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

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

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

4 (3) The date of issuance; and

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

7 (b) Every certificate shall expire on December 31 next after issuance. Before expiration,  
8 each certificate holder shall file a renewal application with the hack inspector pursuant to  
9 section 9-12-27. ~~Grandfathered certificates held by individuals under section 9-12-34 shall be~~  
10 ~~valid from the date of issuance until the last day of the birth month of the individual certificate~~  
11 ~~holder.~~ In cases of death, sickness or unusual circumstances, the city manager may authorize  
12 the continued operation of an existing certificate until the following ~~September 1~~ March 31.  
13

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

15 Each certificate holder shall file an application for renewal of the certificate with the hack  
16 inspector by August 1 of each year on the form provided by the city manager.

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

20

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

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

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

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

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

11

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

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

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

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

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

1 (3) The city manager shall not approve a merger ~~or transfer of control~~ which results in any  
 2 person controlling more than [To be determined by council] % of the taxicabs authorized  
 3 under this article; provided, however, that the provisions of this subsection shall expire on  
 4 [effective date plus 30 months]. This limitation, the expiration period thereof, or both, may be  
 5 modified by the city manager upon a finding that the public convenience and necessity will be  
 6 served by such a modification.

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

11 (5) In the event of a merger or transfer of control, the city manager may, in the manager's  
 12 discretion, waive or modify the driver transfer limits set forth in section 9-12-30.

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

14 (a) The number of taxicabs authorized by a certificate may be amended once a year during  
 15 the annual review of the industry and the following procedures shall apply:

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

19 (2) An owner whose vehicle is affiliated with one certificate holder may apply not more  
 20 frequently than once a year, on the form provided by the city manager, to have that affiliation  
 21 transferred to a different certificate holder. Any such application shall be submitted to the city  
 22 manager no later than November 15 of each year. All applications from eligible owners will  
 23 be approved in order of seniority, subject to the net authorization loss limitations set forth in  
 24 section 9-12-31(c) herein. Notwithstanding the foregoing, no owner shall be denied his or  
 25 her application for a transfer pursuant to this section more than two consecutive years,  
 26 regardless of whether or not granting such an application results in the [To be determined by  
 27 council] % limit set forth in section 9-12-31(c) being exceeded by application of this policy.  
 28 In the event the application of this policy results in the net reduction of more than [To be  
 29 determined by council] % of any taxicab company's authorized vehicles, the city manager

1 shall have the authority to grant the impacted taxicab company such additional authorized  
2 vehicles as to allow the company to only suffer a [To be determined by council] % net  
3 reduction in authorized vehicles. Each such application shall be signed by the prospective  
4 certificate holder, certifying acceptance of the owner if the transfer of affiliation is approved.

5 (4 3) A public hearing on all such applications shall be held by the Board as part of the  
6 annual review of the taxi industry pursuant to section 9-12-31, and the Board shall make a  
7 recommendation thereon to the city manager.

8 (5 4) The Board in making its recommendation, and the city manager in making the  
9 determination on such applications and proposed amendments, shall consider the factors  
10 prescribed in section 9-12-31.

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

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

16

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

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

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

27 (c) In reviewing applications to renew certificates of public convenience and necessity, the  
28 Board and city manager shall consider the certificate holder's record of compliance with

1 section 9-12-32, and shall establish the maximum and minimum number of vehicles that may  
2 be affiliated with each certificate holder, as follows:

3 (1) The minimum number shall be based on a minimum ratio of dispatch trips per taxicab,  
4 which shall be established by regulation, sufficient to ensure that drivers have the opportunity  
5 to comply with the standards of dispatch service prescribed by regulation. The minimum  
6 number of authorized taxicabs for each certificate holder shall not be fewer than [To be  
7 determined by council] % less than the number then authorized, except, that the minimum  
8 number may be adjusted upward based on a finding of exemplary service provided by the  
9 certificate holder or by operation of section 9-12-30(a)(2).

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

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

16 (d) The Board and city manager shall set the total number of vehicles to be authorized for  
17 each taxicab company holding a valid certificate, giving consideration to such factors as bear  
18 on public convenience and necessity, including but not limited to:

- 19 (1) The demonstrated need on a company-by-company basis on the number of cabs  
20 necessary to provide satisfactory public service, including ensuring adequate availability of  
21 taxicabs for dispatch service and taxi stands;
- 22 (2) Changes in the number of trips actually served by taxicabs for each existing company;
- 23 (3) The ability of current drivers to earn a living wage; and
- 24 (4) Such factors listed in section 9-12-25(d) as the Board or city manager deem applicable.

25 (e) [Reserved – see subsection(i).]

26 (f) Giving consideration to the comments received at the public hearing, and to any  
27 additional information made part of the record before it, the Board shall forward its  
28 conclusions as to the status of the industry, and its recommendations as all matters included in  
29 the annual review of the industry, to the city manager. The report shall include the findings of

1 fact upon which Board's conclusions and recommendations are based. The report shall be  
2 transmitted to the city manager no later than November 15.

3 (g) Every second year, starting in 2005, the annual review of the taxicab industry shall also  
4 include a review of the fares and industry fees, including a review of the base fare, permitted  
5 additional charges and all fees charged to and by the certificate holders, owners and drivers.  
6 The public hearing before the Board shall include comments on such fares, charges and fees  
7 and any recommended changes thereof. The Board shall forward its conclusions,  
8 recommendations and findings of fact as to such fares, charges and fees as part of its report  
9 pursuant to section (f) of this section. In reviewing such fares, charges and fees, the Board and  
10 city manager shall, without limitation, take the following factors into consideration:

11 (1) Driver income compared to the City of Alexandria adopted living wage;  
12 (2) Cost of industry related regulatory and enforcement expenditures; and  
13 (3) Such factors listed in section 9-12-25(d) as the Board or city manager deem applicable.  
14 (h) Not later than December 15, the city manager shall issue an order stating the manager's  
15 findings and conclusions as to the economic condition of the taxicab industry and  
16 determinations as to any pending applications or proposals under section 9-12-30. In issuing  
17 his order, the city manager shall presume that the factual findings of the Board are prima facie  
18 correct. If the manager disagrees with any of the recommendations of the Board the manager  
19 shall, with the issuance of the order, enumerate the reasons for not accepting such  
20 recommendations. The order of the city manager may be used by him in determining the  
21 public convenience and necessity under the provisions of this article.

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

27 (1) The individual and cumulative effect of the transfer on the transferee and transferor  
28 certificate holders;  
29 (2) The individual and cumulative effect of the transfer on the applicant and other drivers.

1 (3) The satisfaction of all financial obligations to the existing certificate holder and  
2 acceptance by the new certificate holder.

3

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

5 Each certificate holder shall:

6 (a) Provide 24 hour service;

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

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

10 (2) If less than 100 taxicabs are authorized under the certificate, dispatch may be provided  
11 18 hours a day, 7 days a week until 1 year following [effective date], after which dispatch  
12 must be provided as set out in paragraph (1);

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

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

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

19 (e) Have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of  
20 [To be determined by council] % of the total number of taxicabs authorized under this article;  
21 provided, however, that the provisions of this section shall expire on [effective date plus 30  
22 months]. This limitation, the expiration thereof, or both, may be modified by the city manager  
23 upon a finding that the public convenience and necessity will be served by such a  
24 modification.

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

- 1 (g) Maintain a record of all taxicabs affiliated with the certificate holder, of the owners  
2 thereof and of all drivers thereof, including the current address and telephone number for each  
3 such owner and driver. This record shall be available at all times for examination and  
4 inspection by the director, hack inspector or any police officer and shall be preserved for 12  
5 months;
- 6 (h) Provide an alternative dispute resolution process for disputes arising between owners  
7 and/or drivers of taxicabs and the certificate holder pursuant to Division 7 of this article;
- 8 (i) Provide and adhere to written policies setting forth service requirements for drivers  
9 affiliated with the certificate holder and specifying disciplinary actions that the holder will  
10 take in the event the requirements are not met. All such requirements and disciplinary actions  
11 and any revision that may from time to time be added by the certificate holder shall be  
12 provided to every affiliated driver and posted in a conspicuous location in the taxicab  
13 company offices;
- 14 (j) Not unreasonably withhold its agreement to allow an affiliated driver to transfer the  
15 authorization under which the driver is driving to another qualified driver.
- 16 (k) Provide a 30 day notice to drivers of any changes in stand dues and post such changes  
17 in a conspicuous location in the taxicab company offices with a clearly stated reason for the  
18 change, and file such changes and reasons with the City, for informational purposes;
- 19 (l) Post the most current schedule of stand dues in a conspicuous location in the taxicab  
20 company offices;
- 21 (m) File with the city, in a manner prescribed by regulation, for informational purposes, the  
22 requirements and disciplinary actions required by subsection (i) and the stand due schedule  
23 and any changes required by subsection (k).
- 24 (n) Maintain monthly performance information and provide the following information to  
25 the city manager on a periodic basis, no less than annually, in the manner prescribed by  
26 regulation:
- 27 (1) Dispatch call volume totals;
- 28 (2) Number of complaints by type;
- 29 (3) A schedule of current stand dues;

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

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

3 (o) Provide on an annual basis in the manner prescribed by regulation financial statements  
4 prepared in accordance with generally accepted accounting practices, including, but not  
5 limited to, all financial information permitted by Virginia Code Section 46.2-2062(B) and any  
6 other applicable state law.

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

12 (q) All financial data information submitted pursuant to this section shall be deemed  
13 confidential financial information pertaining to the certificate holder's business license  
14 pursuant to Title 9 of the city Code and exempt from disclosure to the public pursuant to  
15 Virginia Code Sections 58.1-3 and 46.2-2602(B) and shall otherwise be kept confidential to  
16 the extent permissible under the Code of Virginia and the city Code.

17 (r) In the event that the City of Alexandria adopts a paratransit and/or senior citizen  
18 transportation program involving all certificate holders, each certificate holder must  
19 participate in such a program.

20 (s) All certificate holders who operate as taxicab companies must have written contracts  
21 setting forth the terms and conditions of their agreements with the drivers who operate under  
22 the vehicle authorizations granted to each certificate holder.

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

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

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

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

- 1 (2) Failure to manage and operate the company and fleet in such manner as to cause the  
2 authorized taxicabs to be maintained in good order and repair;
- 3 (3) Failure to manage and operate the company and fleet in such manner as to cause the  
4 insurance required by this article o be maintained for the authorized taxicabs;
- 5 (4) Repeated and persistent violations by the certificate holder or by the drivers of  
6 authorized taxicabs of the Alexandria City Code or of the motor vehicle laws of Virginia.
- 7 (5) Failure to report any accident as required by this article;
- 8 (6) Failure to manage and operate the company and fleet in such manner as to cause any  
9 fees lawfully assessed upon the ownership or operation of any vehicle licensed under this  
10 article to be paid;
- 11 (7) Failure to comply with the requirements of section 9-12-32; and
- 12 (8) Failure to comply with any other provision of this article.
- 13 (c) Prior to placing on probationary status or revoking any certificate, the city manager  
14 shall hold a hearing on the proposed revocation or probation. The certificate holder shall have  
15 the right to present his case in person or be represented by counsel licensed to practice law in  
16 the Commonwealth of Virginia. The certificate holder shall be given at least 10 days' notice by  
17 personal service, or by regular and certified mail, to the address shown on the certificate, of  
18 the grounds for revocation or probation and the time and place of the hearing thereon.
- 19 (d) The city manager shall notify the certificate holder by regular and certified mail  
20 directed to the address shown on the certificate, of his decision to revoke or place on  
21 probationary status the certificate. Such decision notice shall include the grounds for  
22 revocation or probation and the length of time of probation.
- 23 (e) A certificate holder whose certificate has been revoked may not reapply for a  
24 certificate for 365 days from the date of revocation.
- 25 (f) The city manager may place on probationary status a certificate for such a period of  
26 time in excess of 120 days as he may, in his reasonable discretion, see fit.
- 27 (g) If a certificate is placed on probationary status, the city manager shall impose such  
28 terms and conditions as the manager deems reasonably necessary to bring the certificate holder

1 into compliance. In the event the certificate holder fails to comply within the time stated by  
2 the city manager, the certificate shall be revoked by operation of law.

3 (h) Disposition of vehicle authorizations from a revoked certificate. The vehicle  
4 authorizations held by a certificate holder whose certificate is revoked under this section shall  
5 be returned to the city on the effective date of the revocation. Not less than 45 days prior to  
6 the effective date of revocation of the certificate, the city manager shall cause a public hearing  
7 to be held by the Board regarding the public interest in the disposition of the authorizations.  
8 The Board shall make a recommendation to the city manager as to the disposition of the  
9 authorizations. Not less than 21 days prior to the date of revocation, the city manager shall  
10 make a determination as to the disposition of the authorizations. There shall be a  
11 presumption, but not a guarantee, that the vehicle authorizations from a certificate holder that  
12 has its certificate revoked shall be allowed to transfer to other authorized certificate holders,  
13 unless the manager finds that such transfer will not be in the best interest of the public  
14 convenience and necessity.

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

22

### 23 **Sec. 9-12-34 Authorizations not in use**

24 (a) If a certificate holder fails to operate any authorized vehicles for more than 90  
25 consecutive days, the authorization to operate such inactive vehicles shall terminate  
26 automatically and revert to the City, and the city manager shall issue a new certificate for the  
27 lesser number of authorized vehicles that remain in use.

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

4

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

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

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

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

13 ~~(c) Such certificate may be transferred to any taxicab company holding a valid certificate~~  
14 ~~of public necessity and convenience at the time of the holder of the grandfathered certificate's~~  
15 ~~departure from the industry.~~

16 **(d a) The holder of such an individual certificate may change affiliation at any time and for**  
17 **any reason, subject to compliance with the provisions of this section.**

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

20 **(c) Grandfathered certificates are non-transferable and upon the holder's departure from**  
21 **the industry, shall not be reissued.**

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

**DIVISION 3 Driver's Permit**

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**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 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 false  
2 statement on this application and discovery of a false statement shall constitute grounds for  
3 prosecution and for denial or revocation of this driver's permit."  
4

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 certificate  
8 issued or renewed, unless and until such fees and charges shall have been paid.  
9

9

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

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

15

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

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

22

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

24 Each applicant for a driver's permit pursuant to this division shall be required to pass an  
25 examination given under the direction of the hack inspector as to the applicant's ability to  
26 operate a taxicab and knowledge of the traffic laws of the city and state and the laws of this  
27 article. The content, nature and form of such examination shall be determined by the hack  
28 inspector and shall be given in two phases. After submission of the information set forth in  
29 section 9-12-42, payment of the fees set forth in section 9-12-43 and completion of any

1 investigation required under sections 9-12-44 and -45, the applicant shall be given an  
 2 examination testing the applicant's knowledge of the laws of this article. In the event the  
 3 applicant passes the initial test, the applicant may request issuance of a temporary certificate  
 4 pursuant to section 9-12-50(c). Thereafter, the applicant shall complete the training  
 5 requirements set forth in section 9-12-47. No sooner than 30 days but no later than 60 days  
 6 after passage of the initial test, the applicant shall take a final examination regarding such  
 7 other appropriate subject matter as the hack inspector shall determine, including, but not  
 8 limited to, the traffic laws of the city and state and knowledge of the city and its streets.

9

#### 10 **Sec. 9-12-47 Driver Training**

11 After obtaining the temporary driver's permit set forth in section 9-12-50(c), each applicant  
 12 and holder of a temporary driver's permit pursuant to this division shall attend a driver training  
 13 course that has been approved by the city prior to receiving an annual driver's permit or any  
 14 renewal thereof.

15

#### 16 **Sec. 9-12-48 Company endorsement of driver**

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

21

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

23 A temporary or permanent driver's permit shall not be issued to any person who:

- 24 (a) Is under 18 years of age;
- 25 (b) Has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony  
 26 involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo contendere  
 27 to a misdemeanor involving moral turpitude within the last 5 years; provided, however, that  
 28 the Board may waive the provisions of this subsection if the Board determines that such  
 29 waiver would not be contrary to the public interest;

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

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

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

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

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

11 (h) Has not passed the applicable examinations required by section 9-12-46 and completed  
12 the driver training course required by section 9-12-47, or

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

15

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

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

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

23 (c) ~~The city manager may by regulation provide for a program for the issuance of~~  
24 ~~temporary drivers permits. If up~~ Upon review of the application, including a local criminal  
25 check and the applicant's passage of the initial examination set forth in section 9-12-46, the  
26 chief of police shall issue at the request of the applicant a temporary driver's permit, valid for  
27 no more than 60 days, pending the applicant's completion of the final examination set forth in  
28 section 9-12-46 and any other uncompleted requirements of this division. ~~;~~ The chief of  
29 police may withhold issuance of the temporary permit if he reasonably believes that there are

1 unresolved issues or additional information that may be required from an applicant. ~~finds no~~  
2 ~~reason to deny the application, and if the applicant has passed the examination prescribed by~~  
3 ~~section 9-12-46, a temporary permit may be issued to the applicant as provided by regulation.~~  
4 ~~Any such temporary permit shall be valid for no more than 60 days from the date of issuance.~~

5

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

7 (a) When an application for a driver's permit under this division is denied, the applicant  
8 may appeal to the Board, which shall hold a hearing on any such appeal and make a  
9 recommendation regarding same to the city manager pursuant to the procedures set forth  
10 herein.

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

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

17 (d) The Board shall make its recommendation to the city manager, who shall have  
18 authority to affirm or reverse the decision appealed from. If the city manager Board finds for  
19 the applicant, the chief of police shall issue the driver's permit. If the city manager Board finds  
20 against the applicant, the decision of the chief of police shall stand. The action of the city  
21 manager Board on appeal shall be final.

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

24

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

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

28 (a) The permit number;

29 (b) The name of the driver;

- 1 (c) A photograph of the driver;
- 2 (d) The date of expiration; and
- 3 (e) A statement that the permit is issued subject to the provisions of this article and may
- 4 be suspended or revoked pursuant to the provisions of this article.

5

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

7 Each driver's permit issued under this division, except for a 60 day temporary permit, shall

8 expire two years from the date of issuance, unless sooner suspended or revoked.

9

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

11 A driver's permit may be renewed for successive periods of two years, provided that the

12 procedure set forth for original applications is followed, including proof of compliance with

13 the driver training requirement pursuant to section 9-12-47 and payment of all applicable fees.

14

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

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

17

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

19 (a) Accident reports. The driver of every taxicab shall report within 24 hours, to the hack

20 inspector, every accident, however slight, in which a taxicab or any other vehicle operated by

21 such driver is involved.

22 (b) Manifest. Every taxicab driver shall keep, on a form prescribed by the city manager, a

23 manifest, which shall, at minimum, record the place, date and time the transportation of each

24 paying passenger commenced and terminated, and the amount of the fare, all of which shall be

25 recorded immediately upon the termination of each trip. All manifests shall be subject at all

26 times to examination or inspection by any duly authorized city official, the hack inspector or

27 any police officer. Every manifest shall be kept and preserved for 12 months, and shall be

28 submitted to the city manager or the manager's designee as required by regulation. Upon

1 ~~request, manifests shall be made available for inspection by the owner or the certificate holder;~~  
2 ~~within 6 hours after request.~~

3 (c) Disposition of property left in vehicles. Every driver of a taxicab shall carefully  
4 preserve any money or other property left in the taxicab and shall **immediately notify the**  
5 **taxicab company of the discovery of the property** and turn over such money or other property  
6 to the taxicab company **within 24 hours of discovery**. All taxicab companies shall maintain a  
7 lost and found for such property and shall report all property so received to the hack inspector,  
8 as prescribed by regulation. Such money or other property shall be surrendered promptly to the  
9 owner, upon identification and proof of ownership.

10 (d) Drivers to report changes of affiliation. Every driver of a taxicab shall **immediately**  
11 **notify the hack inspector within 5 business days** when he changes his affiliation to another  
12 taxicab company.

13

#### 14 **Sec. 9-12-57 Service requirements**

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

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

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

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

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

- 1 (e) Priority of calls for service. Every driver of a taxicab shall serve requests for service in  
2 the order of receipt of such calls.
- 3 (f) Nonpaying passengers. No nonpaying passenger shall be transported in a taxicab with  
4 a paying passenger, except bona fide officers or employees of the owner or certificate holder,  
5 or a police officer engaged in the performance of his duty.
- 6 (g) Drivers to take shortest route to destination. The driver of each taxicab shall drive the  
7 same over the shortest practical route from the point of engagement to the destination of the  
8 passenger or passengers.
- 9 (h) Number of passengers. No driver of a taxicab shall carry at any one time more adult  
10 passengers than the number for which the vehicle was designed.
- 11 (i) Passengers to occupy rear seat first. Passengers shall fill the rear seat before using the  
12 front seat, and no driver shall carry a passenger in the front seat unless the back seat is filled,  
13 except when otherwise requested by a passenger.
- 14 (j) Loitering at taxi stands. No driver shall loiter or congregate with others in sidewalks  
15 adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in  
16 such a manner as to inhibit or impede the flow of pedestrian traffic on the sidewalk.
- 17 (k) Cruising. The city manager may prohibit cruising throughout the city or in designated  
18 areas within the city in times of emergency, or at other times when some activity takes place  
19 within the city which will produce abnormal traffic congestion and danger to pedestrians and  
20 the city manager finds that cruising would add to the congestion and danger. No such  
21 prohibition may be issued, except in case of an emergency, without notice and public hearing  
22 before, and a recommendation from the Board. When the city manager has issued such  
23 prohibition, it shall be unlawful for any person to cruise in the area designated.
- 24 (l) Refusal to carry passengers. No driver of a taxicab shall refuse or neglect to convey  
25 any orderly person, upon request, unless previously engaged, off duty, or unable or forbidden  
26 by the provisions of this article to do so.
- 27 (m) Cleanliness and appearance of drivers. Drivers of taxicabs shall be clean and dressed  
28 in neat, clean clothing at all times when serving the public. Whenever a driver's appearance is  
29 significantly changed by haircut or hair style, or modification, addition, or removal of a beard,

1 moustache, side burns, toupee, wig, hair coloring, or the like, he shall submit within 30 days  
2 of such change two copies of a new photograph of himself in compliance with the  
3 requirements of section 9-12-42.

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

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

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

10

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

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

14 (1) Any violation of section 9-12-56;

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

16 (3) Any violation of section 9-12-60.

17 (b) In addition to the foregoing, any driver who violates sections 9-12-56, -57 or -60 shall  
18 be guilty of a class two civil violation.

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 section 9-  
22 12-58, the driver may appeal to the Board, by filing a written notice of appeal with the hack  
23 inspector, within five days after being notified of his suspension. The hack inspector shall  
24 thereupon schedule, within a reasonable time, a hearing before the Board. Notice of such  
25 hearing shall be given the applicant at least five days before the hearing. Any suspension shall  
26 be stayed pending the hearing before and decision of the Board. The Board shall have  
27 authority to affirm, reverse or modify the suspension appealed from. The action of the Board  
28 shall be final and there shall be no rehearing.

29

1

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

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

- 6 (1) Violation of any law involving moral turpitude;
- 7 (2) Failure to report any accident in which the driver is involved;
- 8 (3) Violation of any law prohibiting the operation of motor vehicles while under the  
9 influence of any intoxicating beverage, controlled substance or drug;
- 10 (4) Operation of a taxicab known by the driver not to be in good order or safe repair;
- 11 (5) Repeated violations of traffic or safety laws of local, state or federal government;
- 12 (6) Being impaired by a disease or infirmity which makes the driver an unsafe driver;
- 13 (7) Violation of any law prohibiting hit and run driving, leaving the scene of an accident  
14 or similar law;
- 15 (8) Failure to serve the public adequately;
- 16 (9) Making a false statement prohibited by section 9-12-5 of this code;
- 17 (10) Repeated failure to be clean and dressed in neat, clean clothing at all times when  
18 serving the public;
- 19 (11) Doing any act or failing to do any act which act or omission jeopardizes the health,  
20 safety or welfare of the public;
- 21 (12) Repeated suspension pursuant to section 9-12-58 of this code;
- 22 (13) Repeated or egregious rude or discourteous conduct towards a passenger; or
- 23 (14) Violation of any other provision of this article.

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

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

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

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

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

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

17

18 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**

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

8

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

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

- 12 (1) Vehicle permit number
- 13 (2) Name of the certificate holder under whose certificate the vehicle will be 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 (7) the fact that the permit is issued subject to the provisions of this article and may be  
19 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 issuance  
23 of the permit on June 30 next after issuance, unless sooner suspended or revoked.

24

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

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

28

29

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

2 (a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a  
3 taxicab or otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the  
4 vehicle permit may not be transferred to the new owner unless and until the hack inspector has  
5 inspected the vehicle and determined that the vehicle complies with all requirements for a new  
6 permit.

7 (b) If a vehicle ceases to be used as a taxicab, the permit for that vehicle shall forthwith  
8 be surrendered to the hack inspector, and a new permit applied for and obtained for the  
9 replacement vehicle, if any.

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

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

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

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

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

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

20

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

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

25

26 **Sec. 9-12-81 Requirements for vehicles**

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

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

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

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

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

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

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

21 (n) Bumper stickers. A taxicab may display not more than two bumper stickers at one  
22 time, each not larger than ten inches by three inches, which may be placed on the rear bumper  
23 of the vehicle only, and which shall be maintained in neat and clean condition.

24 Notwithstanding the foregoing provision, a certificate holder may, by company policy of  
25 uniform application, prohibit the display of all bumper stickers on affiliated vehicles.

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

**DIVISION 5 Taxicab Stands**

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**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, and  
3 the owner or occupant of the abutting property shall have reasonable right of ingress and  
4 egress, but no person other than the driver of a taxicab authorized to use such stand shall park  
5 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 attended  
9 and remain within 20 feet of their taxicab.

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

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**DIVISION 6 Fares**

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**3 Sec. 9-12-131 Taximeters.**

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

18 (b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-  
19 133, any provision of this section in conflict with the terms and conditions of such contract  
20 shall not apply.

21

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

23 (a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be  
24 unlawful to make any greater or lesser charge:

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

26 (2) For the second and for each additional passenger who is five years of age or older,  
27 \$1.25.

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

1 (4) For each one hour of waiting time for one or more passengers, \$18. The incremental  
2 cost of this charge shall be \$0.40 for each 80 seconds. Waiting time shall include time  
3 consumed while the taxicab is waiting and available to passengers beginning three minutes  
4 after the time of arrival at the place to which it has been called, time consumed while the  
5 taxicab is stopped or slowed for traffic to a speed of less than seven miles per hour and time  
6 consumed for delays or stopovers enroute at the direction of a passenger. No time shall be  
7 allowed for a premature response to a call. There shall be no charge for mileage when time is  
8 being charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven  
9 miles per hour. Waiting time shall not include time lost on account of the inefficiency of a  
10 taxicab.

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

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

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

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

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

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

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

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

17 (c) Nothing contained herein shall prevent a certificate holder from establishing a coupon  
18 or reward program for its customers where a discount coupon, customer loyalty certificate or  
19 some other marketing device is accepted as part of the allowed fare set forth herein.

20

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

24 Any certificate holder may enter into a contract, on an annual or semiannual basis, with the  
25 city or any nonprofit private or public organization to provide taxicab services for elderly or  
26 for physically handicapped persons, or for other specific services to the general public, as  
27 specified in the contract, under a fare schedule agreed upon in the contract. Any person  
28 operating a taxicab pursuant to such a contract shall comply with all other provisions of this  
29 article. Notwithstanding the foregoing, the city is not limited to contracting with a certificate

1 holder for the provision of transportation services for such elderly or physically handicapped  
2 persons.

3

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

5 (a) Every taxicab shall have displayed in such a place within the vehicle as to be in view  
6 of passengers a rate card to be furnished by the hack inspector, at a cost established by  
7 regulation, showing the rates prescribed by this article.

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

10

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

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

16

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

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

24

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

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

29

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

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

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8 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 Each taxicab company may opt to have a written dispute resolution procedure as part  
3 of its agreements with its drivers, so long as such a dispute resolution procedure incorporates,  
4 at a minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through  
5 R-56 of the American Arbitration Association. In the event that a taxicab company does not  
6 have an agreement with any driver incorporating such a dispute resolution procedure and said  
7 taxicab company is involved in a dispute with such a driver, then such dispute will be subject  
8 to the provisions of this section, as follows:

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

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

13 (1) The aggrieved party shall submit a complaint in writing to the taxicab company within  
14 30 days from the date of the company's action, containing a written statement of the matter in  
15 dispute and the names, addresses and telephone numbers of each party to the dispute.

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

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

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

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

24 (b) If the dispute is not resolved through the internal grievance procedure, both parties  
25 may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the  
26 parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to  
27 subsection (d).

28 (c) Informal or formal mediation.

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

3 (2) Within two weeks after such notice has been submitted, the parties may agree to an  
4 impartial person to mediate the dispute in an informal process. If the parties do not so agree,  
5 the party requesting mediation shall submit a written Request for Mediation to the American  
6 Arbitration Association (AAA). If the parties are unable to agree to mediation, either party  
7 may elect to proceed to arbitration, pursuant to subsection (d).

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

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

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

13 (6) The mediation conducted by AAA shall be in substantial accord with the American  
14 Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such  
15 rules shall be available at city hall.

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

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

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

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

27 (2) Within two weeks after such notice has been submitted, an impartial person to arbitrate  
28 the dispute shall be agreed upon by the parties, or, if the parties do not so agree, the party  
29 requesting arbitration shall submit a written Request for Arbitration to the American

1 Arbitration Association (AAA) and simultaneously mail a copy of the Request for Arbitration  
2 to every party to the dispute.

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

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

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

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

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

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

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

25

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

27 A knowing failure to adhere to the dispute resolution procedures established by this division  
28 shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in  
29 addition, constitute grounds for suspension or revocation of a certificate of public convenience

1 and necessity issued under division 2, or driver's permit issued under division 3, of this  
2 article.

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4

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

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

9

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

11

12

Introduction and first reading:	4/26/2005
Public hearing:	5/14/2005
Second reading and enactment:	6/14/2005

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to revise the city's regulations as set forth in Article A (TAXICABS AND FOR-HIRE VEHICLES), 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  
Christopher P. Spera, Assistant 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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to revise the city's regulations as set forth in Article A (TAXICABS AND FOR-HIRE VEHICLES), 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 Chapter 12, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, revised by replacing Article A with the revised Article A.1, as set forth hereto and incorporated herein fully by reference.

[The following is all new language]

ARTICLE A.1: Taxicabs

**DIVISION 1: Generally**

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

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

- (1) Board. The traffic and parking board created by title 5, chapter 8, article A of this code.
- (2) Certificate. A certificate of public convenience and necessity issued by the city manager authorizing the operation of a taxicab company under the provisions of this article.
- (3) Certificate holder. Any taxicab company, or taxicab owner still holding a valid certificate issued prior to February 15, 1983, which has been granted a certificate of public convenience and necessity as provided in this article.
- (4) Cruising. The driving of a taxicab on the streets, alleys, or public places of the commonwealth in search of, or soliciting for, prospective passengers for hire.
- (5) Director. The director of the department of transportation and environmental services or the director's designee.
- (5.1) Dispatch service. The provision of taxicab service in which requests for service are received at a central facility by telephone, in person, or other means, and communicated to drivers by two-way radio, or other data communication service with equivalent functionality, resulting in delivery of the requested taxicab service to the requesting party.
- (6) Driver. The person operating any taxicab.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           (1)     A public liability and property damage insurance policy with a company authorized  
6 to do business within the state in at least the amount of \$450,000 combined single limit for death  
7 or bodily injury, and property damage, and every such policy shall contain a clause obligating the  
8 company issuing the same to give 15 days notice in writing to the hack inspector before any  
9 cancellation thereof.

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

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

15  
16                   **DIVISION 2 Certificates of Public Convenience and Necessity**

17  
18           **Sec. 9-12-21 Certificate required.**

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

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

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

27           (b)     The applicant shall provide the following:

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

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

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

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

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

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

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

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

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

18 (10) The specific experience of the applicant in the transportation of passengers for hire  
19 and the management of a business engaged therein, including, without limitation, the disclosure  
20 of any ownership interest in any taxicab company anywhere at any time;

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

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

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

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

28 (d) Such forms shall include a statement that "It is unlawful for any person to make a  
29 false or misleading statement in connection with this application and the making of any false or

1 misleading statement shall be grounds for denial of the application or subsequent revocation of a  
2 certificate, and for criminal prosecution."

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

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

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

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

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

13 (a) Burden: The applicant shall have the burden of demonstrating that the public  
14 convenience and necessity require the operation of a new taxicab company and the authorization  
15 of any additional taxicabs that may be requested.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (3)    The date of issuance; and

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

11          (b)    Every certificate shall expire on December 31 next after issuance. Before expiration,  
12 each certificate holder shall file a renewal application with the hack inspector pursuant to section  
13 9-12-27. In cases of death, sickness or unusual circumstances, the city manager may authorize  
14 the continued operation of an existing certificate until the following March 31.

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

16          Each certificate holder shall file an application for renewal of the certificate with the hack  
17 inspector by August 1 of each year on the form provided by the city manager.

18          Each application for a renewal of a certificate shall demonstrate compliance with section 9-12-  
19 32, and shall include a requested number of taxicab authorizations based on current service  
20 levels.

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

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

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

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

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

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

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

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

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

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

29 (3) The city manager shall not approve a merger which results in any person controlling  
30 more than [To be determined by council] % of the taxicabs authorized under this article;

1 provided, however, that the provisions of this subsection shall expire on [effective date plus 30  
2 months]. This limitation, the expiration period thereof, or both, may be modified by the city  
3 manager upon a finding that the public convenience and necessity will be served by such a  
4 modification.

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

9 (5) In the event of a merger or transfer of control, the city manager may, in the  
10 manager's discretion, waive or modify the driver transfer limits set forth in section 9-12-30.

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

12 (a) The number of taxicabs authorized by a certificate may be amended once a year  
13 during the annual review of the 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 the city  
16 manager.

17 (2) An owner whose vehicle is affiliated with one certificate holder may apply not more  
18 frequently than once a year, on the form provided by the city manager, to have that affiliation  
19 transferred to a different certificate holder. Any such application shall be submitted to the city  
20 manager no later than November 15 of each year. All applications from eligible owners will be  
21 approved in order of seniority, subject to the net authorization loss limitations set forth in section  
22 9-12-31(c) herein. Notwithstanding the foregoing, no owner shall be denied his or her  
23 application for a transfer pursuant to this section more than two consecutive years, regardless of  
24 whether or not granting such an application results in the [To be determined by council] % limit  
25 set forth in section 9-12-31(c) being exceeded by application of this policy. In the event the  
26 application of this policy results in the net reduction of more than [To be determined by council]  
27 % of any taxicab company's authorized vehicles, the city manager shall have the authority to  
28 grant the impacted taxicab company such additional authorized vehicles as to allow the company  
29 to only suffer a [To be determined by council] % net reduction in authorized vehicles. Each such

1 application shall be signed by the prospective certificate holder, certifying acceptance of the  
2 owner if the transfer of affiliation is approved.

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

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

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

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

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

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

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

24 (c) In reviewing applications to renew certificates of public convenience and necessity,  
25 the Board and city manager shall consider the certificate holder's record of compliance with  
26 section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be  
27 affiliated with each certificate holder, as follows:

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

1 minimum number of authorized taxicabs for each certificate holder shall not be fewer than [To  
2 be determined by council] % less than the number then authorized, except, that the minimum  
3 number may be adjusted upward based on a finding of exemplary service provided by the  
4 certificate holder or by operation of section 9-12-30(a)(2).

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

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

11 (d) The Board and city manager shall set the total number of vehicles to be authorized  
12 for each taxicab company holding a valid certificate, giving consideration to such factors as bear  
13 on public convenience and necessity, including but not limited to:

14 (1) The demonstrated need on a company-by-company basis on the number of cabs  
15 necessary to provide satisfactory public service, including ensuring adequate availability of  
16 taxicabs for dispatch service and taxi stands;

17 (2) Changes in the number of trips actually served by taxicabs for each existing  
18 company;

19 (3) The ability of current drivers to earn a living wage; and

20 (4) Such factors listed in section 9-12-25(d) as the Board or city manager deem  
21 applicable.

22 (e) [Reserved – see subsection(i).]

23 (f) Giving consideration to the comments received at the public hearing, and to any  
24 additional information made part of the record before it, the Board shall forward its conclusions  
25 as to the status of the industry, and its recommendations as all matters included in the annual  
26 review of the industry, to the city manager. The report shall include the findings of fact upon  
27 which Board's conclusions and recommendations are based. The report shall be transmitted to  
28 the city manager no later than November 15.

29 (g) Every second year, starting in 2005, the annual review of the taxicab industry shall  
30 also include a review of the fares and industry fees, including a review of the base fare, permitted

1 additional charges and all fees charged to and by the certificate holders, owners and drivers. The  
2 public hearing before the Board shall include comments on such fares, charges and fees and any  
3 recommended changes thereof. The Board shall forward its conclusions, recommendations and  
4 findings of fact as to such fares, charges and fees as part of its report pursuant to section (f) of  
5 this section. In reviewing such fares, charges and fees, the Board and city manager shall, without  
6 limitation, take the following factors into consideration:

- 7 (1) Driver income compared to the City of Alexandria adopted living wage;
- 8 (2) Cost of industry related regulatory and enforcement expenditures; and
- 9 (3) Such factors listed in section 9-12-25(d) as the Board or city manager deem  
10 applicable.

11 (h) Not later than December 15, the city manager shall issue an order stating the  
12 manager's findings and conclusions as to the economic condition of the taxicab industry and  
13 determinations as to any pending applications or proposals under section 9-12-30. In issuing his  
14 order, the city manager shall presume that the factual findings of the Board are prima facie  
15 correct. If the manager disagrees with any of the recommendations of the Board the manager  
16 shall, with the issuance of the order, enumerate the reasons for not accepting such  
17 recommendations. The order of the city manager may be used by him in determining the public  
18 convenience and necessity under the provisions of this article.

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

- 24 (1) The individual and cumulative effect of the transfer on the transferee and transferor  
25 certificate holders;
- 26 (2) The individual and cumulative effect of the transfer on the applicant and other  
27 drivers.
- 28 (3) The satisfaction of all financial obligations to the existing certificate holder and  
29 acceptance by the new certificate holder.

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

2    Each certificate holder shall:

3           (a)    Provide 24 hour service;

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

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

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

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

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

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

16          (e)    Have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of  
17    [To be determined by council] % of the total number of taxicabs authorized under this article;  
18    provided, however, that the provisions of this section shall expire on [effective date plus 30  
19    months]. This limitation, the expiration thereof, or both, may be modified by the city manager  
20    upon a finding that the public convenience and necessity will be served by such a modification.

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

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

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

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

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

8 (k) Provide a 30 day notice to drivers of any changes in stand dues and post such  
9 changes in a conspicuous location in the taxicab company offices with a clearly stated reason for  
10 the change, and file such changes and reasons with the City, for informational purposes;

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

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

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

19 (1) Dispatch call volume totals;

20 (2) Number of complaints by type;

21 (3) A schedule of current stand dues;

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

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

24 (o) Provide on an annual basis in the manner prescribed by regulation financial  
25 statements prepared in accordance with generally accepted accounting practices, including, but  
26 not limited to, all financial information permitted by Virginia Code Section 46.2-2062(B) and  
27 any other applicable state law.

28 (p) All information submitted to the city manager under this section shall include a  
29 statement that "It is unlawful for any certificate holder to make a false or misleading statement  
30 and the making of any false or misleading statement shall be grounds revocation of a certificate

1 and criminal prosecution,” and shall be signed by the certificate holder or authorized  
2 representative.

3 (q) All financial data information submitted pursuant to this section shall be deemed  
4 confidential financial information pertaining to the certificate holder’s business license pursuant  
5 to Title 9 of the city Code and exempt from disclosure to the public pursuant to Virginia Code  
6 Sections 58.1-3 and 46.2-2602(B) and shall otherwise be kept confidential to the extent  
7 permissible under the Code of Virginia and the city Code.

8 (r) In the event that the City of Alexandria adopts a paratransit and/or senior citizen  
9 transportation program involving all certificate holders, each certificate holder must participate in  
10 such a program.

11 (s) All certificate holders who operate as taxicab companies must have written contracts  
12 setting forth the terms and conditions of their agreements with the drivers who operate under the  
13 vehicle authorizations granted to each certificate holder.

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

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

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

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

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

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

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

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

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

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

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

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

12 (d) The city manager shall notify the certificate holder by regular and certified mail  
13 directed to the address shown on the certificate, of his decision to revoke or place on  
14 probationary status the certificate. Such decision notice shall include the grounds for revocation  
15 or probation and the length of time of probation.

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

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

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

24 (h) Disposition of vehicle authorizations from a revoked certificate. The vehicle  
25 authorizations held by a certificate holder whose certificate is revoked under this section shall be  
26 returned to the city on the effective date of the revocation. Not less than 45 days prior to the  
27 effective date of revocation of the certificate, the city manager shall cause a public hearing to be  
28 held by the Board regarding the public interest in the disposition of the authorizations. The  
29 Board shall make a recommendation to the city manager as to the disposition of the  
30 authorizations. Not less than 21 days prior to the date of revocation, the city manager shall make

1 a determination as to the disposition of the authorizations. There shall be a presumption, but not  
2 a guarantee, that the vehicle authorizations from a certificate holder that has its certificate  
3 revoked shall be allowed to transfer to other authorized certificate holders, unless the manager  
4 finds that such transfer will not be in the best interest of the public convenience and necessity.

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

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

13 (a) If a certificate holder fails to operate any authorized vehicles for more than 90  
14 consecutive days, the authorization to operate such inactive vehicles shall terminate  
15 automatically and revert to the City, and the city manager shall issue a new certificate for the  
16 lesser number of authorized vehicles that remain in use.

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

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

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

24 (a) The holder of such an individual certificate may change affiliation at any time and for  
25 any reason, subject to compliance with the provisions of this section.

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

28 (c) Grandfathered certificates are non-transferable and upon the holder's departure from  
29 the industry, shall not be reissued.

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

1 **DIVISION 3 Driver's Permit**

2

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

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

11 **Sec. 9-12-42 Application.**

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

- 15 (1) Pertinent personal data;
- 16 (2) Physical condition of the applicant.;
- 17 (3) Traffic record for 5 years previous to the date of the application including what  
18 driver's licenses have previously been issued to the applicant, and whether such license has ever  
19 been revoked or suspended;
- 20 (4) Criminal record including state and local records;
- 21 (5) Prior driving experience; and
- 22 (6) Whether or not the applicant has ever been convicted, forfeited or entered a plea of  
23 nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof.

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

26 (c) Each applicant shall file with the application 3 copies of a recent photograph, of a  
27 size designated by regulation, one of which shall be attached to and become a part of the  
28 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 false  
2 statement on this application and discovery of a false statement shall constitute grounds for  
3 prosecution and for denial or revocation of this driver's permit."

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

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

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

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

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

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

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

19 Each applicant for a driver's permit pursuant to this division shall be required to pass an  
20 examination given under the direction of the hack inspector as to the applicant's ability to operate  
21 a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's roads and  
22 the laws of this article. The content, nature and form of such examination shall be determined by  
23 the hack inspector. After submission of the information set forth in section 9-12-42, payment of  
24 the fees set forth in section 9-12-43 and completion of any investigation required under sections  
25 9-12-44 and -45, the hack inspector shall administer the referenced examination to the applicant,  
26 pursuant to such schedule as the hack inspector may determine. In the event the applicant passes  
27 the examination, the hack inspector shall issue a driver's permit to the applicant. Within 60 days  
28 after the applicant's passage of the referenced examination, the successful applicant shall  
29 complete the training requirements set forth in section 9-12-47 and submit written documentation  
30 thereof to the hack inspector. In the event the successful applicant fails to timely complete the

1 training and provide documentation thereof in the manner set forth herein, the hack inspector  
2 shall revoke the successful applicant's driver's permit. The hack inspector may reinstate any  
3 such revoked driver's permit upon satisfaction of the training and documentation requirements.

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

5 After obtaining the driver's permit set forth in section 9-12-50(c), each successful applicant  
6 or holder of a driver's permit pursuant to this division shall attend a driver training course that  
7 has been approved by the city prior to receiving an annual driver's permit or any renewal thereof.

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

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

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

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

1 (h) Has not passed the applicable examinations required by section 9-12-46 and  
2 completed the driver training course required by section 9-12-47, or

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

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

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

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

12 (c) The city manager may by regulation provide for a program for the issuance of  
13 temporary driver's permits. The chief of police may withhold issuance of the temporary permit if  
14 he reasonably believes that there are unresolved issues or additional information that may be  
15 required from an applicant. If upon review of the application, including a local criminal check,  
16 the chief of police finds no reason to deny the application, a temporary permit may be issued to  
17 the applicant as provided by regulation. Any such temporary permit shall be valid for no more  
18 than 60 days from the date of issuance.

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

20 (a) When an application for a driver's permit under this division is denied, the applicant  
21 may appeal to the Board, which shall hold a hearing on any such appeal and make a  
22 recommendation regarding same to the city manager pursuant to the procedures set forth herein.

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

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

1 (d) The Board shall make its recommendation to the city manager, who shall have  
2 authority to affirm or reverse the decision appealed from. If the city manager finds for the  
3 applicant, the chief of police shall issue the driver's permit. If the city manager finds against the  
4 applicant, the decision of the chief of police shall stand. The action of the city manager on appeal  
5 shall be final.

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

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

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

- 11 (a) The permit number;
- 12 (b) The name of the driver;
- 13 (c) A photograph of the driver;
- 14 (d) The date of expiration; and
- 15 (e) A statement that the permit is issued subject to the provisions of this article and may  
16 be suspended or revoked pursuant to the provisions of this article.

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

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

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 with the  
23 driver training requirement pursuant to section 9-12-47 and payment of all applicable fees.

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

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

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

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

1 (b) Manifest. Every taxicab driver shall keep, on a form prescribed by the city manager,  
2 a manifest, which shall, at minimum, record the place, date and time the transportation of each  
3 paying passenger commenced and terminated, and the amount of the fare, all of which shall be  
4 recorded immediately upon the termination of each trip. All manifests shall be subject at all times  
5 to examination or inspection by any duly authorized city official, the hack inspector or any police  
6 officer. Every manifest shall be kept and preserved for 12 months, and shall be submitted to the  
7 city manager or the manager's designee as required by regulation.

8 (c) Disposition of property left in vehicles. Every driver of a taxicab shall carefully  
9 preserve any money or other property left in the taxicab and shall immediately notify the taxicab  
10 company of the discovery of the property and turn over such money or other property to the  
11 taxicab company within 24 hours of discovery. All taxicab companies shall maintain a lost and  
12 found for such property and shall report all property so received to the hack inspector, as  
13 prescribed by regulation. Such money or other property shall be surrendered promptly to the  
14 owner, upon identification and proof of ownership.

15 (d) Drivers to report changes of affiliation. Every driver of a taxicab shall notify the  
16 hack inspector within 5 business days when he changes his affiliation to another taxicab  
17 company.

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

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

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

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

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

29 (d) Stopping in intersections to load or unload prohibited; interfering with traffic. No  
30 driver of any taxicab shall stop, load or unload any passengers in the intersection of any streets or

1 on any crosswalk. No such driver shall in any way impede or interfere with the orderly flow of  
2 traffic on the streets.

3 (e) Priority of calls for service. Every driver of a taxicab shall serve requests for service  
4 in the order of receipt of such calls.

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

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

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

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

16 (j) Loitering at taxi stands. No driver shall loiter or congregate with others in sidewalks  
17 adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in such  
18 a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the sidewalk.

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

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

29 (m) Cleanliness and appearance of drivers. Drivers of taxicabs shall be clean and dressed  
30 in neat, clean clothing at all times when serving the public. Whenever a driver's appearance is

1 significantly changed by haircut or hair style, or modification, addition, or removal of a beard,  
2 moustache, side burns, toupee, wig, hair coloring, or the like, he shall submit within 30 days of  
3 such change two copies of a new photograph of himself in compliance with the requirements of  
4 section 9-12-42.

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

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

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

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

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

- 14 (1) Any violation of section 9-12-56;  
15 (2) Any violation of section 9-12-57; or  
16 (3) Any violation of section 9-12-60.

17 (b) In addition to the foregoing, any driver who violates sections 9-12-56, -57 or -60  
18 shall be guilty of a class two civil violation.

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

20 Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-  
21 12-58, the driver may appeal to the Board, by filing a written notice of appeal with the hack  
22 inspector, within five days after being notified of his suspension. The hack inspector shall  
23 thereupon schedule, within a reasonable time, a hearing before the Board. Notice of such hearing  
24 shall be given the applicant at least five days before the hearing. Any suspension shall be stayed  
25 pending the hearing before and decision of the Board. The Board shall have authority to affirm,  
26 reverse or modify the suspension appealed from. The action of the Board shall be final and there  
27 shall be no rehearing.

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

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

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

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

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

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

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

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

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

15          (8)     Failure to serve the public adequately;

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

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

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

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

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

23          (14)    Violation of any other provision of this article.

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

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

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

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

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

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

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

18  
19 **DIVISION 4: Vehicle Permits**

20  
21 **Sec. 9-12-71 Vehicle permit required; display.**

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

1           **Sec. 9-12-72    Application.**

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

- 5           (1)     Full name of the applicant;  
6           (2)     Applicant's current address;  
7           (3)     Make, model and year of the vehicle;  
8           (4)     Description of the insurance policy covering the vehicle;

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

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

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

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

17          Upon receipt of an application for a vehicle permit, the hack inspector shall make or cause to  
18          be made an inspection of the vehicle. If the vehicle complies with the provisions of this division  
19          and with the regulations promulgated pursuant to this article, the hack inspector shall issue a  
20          vehicle permit for such vehicle. If the vehicle is found by the hack inspector not to meet the  
21          requirements, the hack inspector shall notify the applicant of all defects which must be remedied  
22          for the permit to be issued. If the defects are not corrected on re-inspection, the application for a  
23          vehicle permit shall be denied.

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

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

- 27          (1)     Vehicle permit number  
28          (2)     Name of the certificate holder under whose certificate the vehicle will be operated;  
29          (3)     Name of the owner;  
30          (4)     Expiration date;

- 1 (5) Year, make, model and Vehicle Identification Number (VIN);  
2 (6) Make and serial number of radio and taximeter; and  
3 (7) the fact that the permit is issued subject to the provisions of this article and may be  
4 suspended or revoked if the provisions of this article are violated.

5 **Sec. 9-12-76 Expiration of permit.**

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

8 **Sec. 9-12-77 Renewal of permit.**

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

11 **Sec. 9-12-78 Permit nontransferable before inspection.**

12 (a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a  
13 taxicab or otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the  
14 vehicle permit may not be transferred to the new owner unless and until the hack inspector has  
15 inspected the vehicle and determined that the vehicle complies with all requirements for a new  
16 permit.

17 (b) If a vehicle ceases to be used as a taxicab, the permit for that vehicle shall forthwith  
18 be surrendered to the hack inspector, and a new permit applied for and obtained for the  
19 replacement vehicle, if any.

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

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

- 23 (1) Failure to maintain the taxicab in good order and repair.  
24 (2) Violation of the requirements set forth in Section 9-12-81 of this division.

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

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

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

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

5           **Sec. 9-12-81     Requirements for vehicles**

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

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

10          (b)     Ventilation of vehicles; lights. Every taxicab shall be equipped with properly  
11     functioning heating, air conditioning and windows and passenger cabin lights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (n) Bumper stickers. A taxicab may display not more than two bumper stickers at one  
28 time, each not larger than ten inches by three inches, which may be placed on the rear bumper of  
29 the vehicle only, and which shall be maintained in neat and clean condition. Notwithstanding the

1 foregoing provision, a certificate holder may, by company policy of uniform application, prohibit  
2 the display of all bumper stickers on affiliated vehicles.

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

4  
5 **DIVISION 5 Taxicab Stands**

6  
7 **Sec. 9-12-111 Establishment of stands.**

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

13 **Sec. 9-12-112 Abolition of stands.**

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

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

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

18 (3) Creating an unduly hazardous traffic condition; or

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

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

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

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

27 **Sec. 9-12-114 Use of stands**

28 (a) Except as provided in section (b), vehicle stands shall be used only by on duty  
29 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, and the  
3 owner or occupant of the abutting property shall have reasonable right of ingress and egress, but  
4 no person other than the driver of a taxicab authorized to use such stand shall park therein.

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

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

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

9  
10 **DIVISION 6 Fares**

11  
12 **Sec. 9-12-131 Taximeters.**

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

26 (b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-  
27 133, any provision of this section in conflict with the terms and conditions of such contract shall  
28 not apply.

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

2           (a)     The rates to be charged to passengers in taxicabs shall be as follows. It shall be  
3 unlawful to make any greater or lesser charge:

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

5           (2)     For the second and for each additional passenger who is five years of age or older,  
6 \$1.25.

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

8           (4)     For each one hour of waiting time for one or more passengers, \$18. The incremental  
9 cost of this charge shall be \$0.40 for each 80 seconds. Waiting time shall include time consumed  
10 while the taxicab is waiting and available to passengers beginning three minutes after the time of  
11 arrival at the place to which it has been called, time consumed while the taxicab is stopped or  
12 slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or  
13 stopovers enroute at the direction of a passenger. No time shall be allowed for a premature  
14 response to a call. There shall be no charge for mileage when time is being charged for a taxicab  
15 that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time  
16 shall not include time lost on account of the inefficiency of a taxicab.

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

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

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

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

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

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

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

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

21 (c) Nothing contained herein shall prevent a certificate holder from establishing a  
22 coupon or reward program for its customers where a discount coupon, customer loyalty  
23 certificate or some other marketing device is accepted as part of the allowed fare set forth herein.

24 **Sec. 9-12-133 Taxicab services and fares for elderly or physically handicapped**  
25 **persons, or for other specifically authorized services, pursuant to a**  
26 **contract between a certificate holder and the city or a nonprofit private**  
27 **or public organization.**

28 Any certificate holder may enter into a contract, on an annual or semiannual basis, with the  
29 city or any nonprofit private or public organization to provide taxicab services for elderly or for  
30 physically handicapped persons, or for other specific services to the general public, as specified

1 in the contract, under a fare schedule agreed upon in the contract. Any person operating a taxicab  
2 pursuant to such a contract shall comply with all other provisions of this article. Notwithstanding  
3 the foregoing, the city is not limited to contracting with a certificate holder for the provision of  
4 transportation services for such elderly or physically handicapped persons.

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

6 (a) Every taxicab shall have displayed in such a place within the vehicle as to be in view  
7 of passengers a rate card to be furnished by the hack inspector, at a cost established by regulation,  
8 showing the rates prescribed by this article.

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

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

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

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

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

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

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

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

28 If two or more passengers, bound for different destinations, agree to engage a taxicab for  
29 taxicab services, the fare shall be allocated as follows: whenever a passenger gets out and pays  
30 the fare, the meter shall be reset upon that passenger's departure, but when the departing

1 passenger does not pay the fare, the meter shall not be reset and the full fare shall be paid by the  
2 last passenger delivered.

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

4  
5 **DIVISION 7. Dispute Resolution**

6  
7 **Section 9-12-141 Scope.**

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

13 **Section 9-12-142 Required conditions.**

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

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

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

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

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

4 Each taxicab company may opt to have a written dispute resolution procedure as part of its  
5 agreements with its drivers, so long as such a dispute resolution procedure incorporates, at a  
6 minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56  
7 of the American Arbitration Association. In the event that a taxicab company does not have an  
8 agreement with any driver incorporating such a dispute resolution procedure and said taxicab  
9 company is involved in a dispute with such a driver, then such dispute will be subject to the  
10 provisions of this section, as follows:

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

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

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

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

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

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

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

26 (b) If the dispute is not resolved through the internal grievance procedure, both parties  
27 may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the  
28 parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to  
29 subsection (d).

30 (c) Informal or formal mediation.

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

3 (2) Within two weeks after such notice has been submitted, the parties may agree to an  
4 impartial person to mediate the dispute in an informal process. If the parties do not so agree, the  
5 party requesting mediation shall submit a written Request for Mediation to the American  
6 Arbitration Association (AAA). If the parties are unable to agree to mediation, either party may  
7 elect to proceed to arbitration, pursuant to subsection (d).

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

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

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

13 (6) The mediation conducted by AAA shall be in substantial accord with the American  
14 Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such rules  
15 shall be available at city hall.

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

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

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

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

27 (2) Within two weeks after such notice has been submitted, an impartial person to  
28 arbitrate the dispute shall be agreed upon by the parties, or, if the parties do not so agree, the  
29 party requesting arbitration shall submit a written Request for Arbitration to the American

1 Arbitration Association (AAA) and simultaneously mail a copy of the Request for Arbitration to  
2 every party to the dispute.

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

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

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

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

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

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

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

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

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



**Alexandria United Taxi Cooperative (AUTC)**  
**P. O. Box 26093**  
**Alexandria, VA 22313**  
**Phone: 240-605-2223**

40  
6-14-05

June 10, 2005

Office of Policy and Evaluation  
Room 394  
Bureau of Competition  
Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington, D.C.

Dear Sirs:

The members of Alexandria United Taxi Cooperative (AUTC) are taxi drivers and taxi owners in Alexandria, VA who have been advocating for fair competition in the taxi-for-hire industry in Alexandria for thirteen years. We are not just taxi drivers. We own, maintain and insure the taxi vehicles we drive. Because of Alexandria's location on the border, we regularly engage in interstate transportation between Virginia, Maryland and the District of Columbia. In our research, we came across the 1984 Annual Report submitted to Congress by the U.S. Federal Trade Commission. In a discussion of the Commission's antitrust enforcement activity with regards to horizontal restraints, the report cites separate complaints brought by the FTC against the municipal governments of Minneapolis and New Orleans, charging both cities with unfair competition through the use of restrictive regulations applicable to taxicab operators.

We think we have a similar situation, and we request that the FTC investigate the taxi-for-hire industry in Alexandria for possible antitrust violations. We have read your mission statement and we are aware that your primary focus is to protect the consumer. The taxi consumer in Alexandria has been harmed by the restrictive Ordinances and Regulations Alexandria poses on the industry, and there has been a marked deterioration in the industry that has exacerbated that harm.

### **Outline**

1. **City Taxi Driver/Owners.** City drivers/owners work the city taxi stands and dispatch. We think the following requirements of the City of Alexandria's Taxi Ordinance and taxi Regulations warrant investigation:
  - The City requires us to turn over our business assets (our vehicles and our Virginia State authorization to operate a taxi) to taxi companies without compensation or a contract or lease agreement. The taxi companies then use our assets to satisfy the requirements set by the City of Alexandria to renew their

Certificate of Public Convenience and Necessity. We think it is unlawful for the City to force us to turn over our assets so that another entity can profit from them. We think it is unlawful for the City to issue Certificates to taxi companies who own no taxis.

- The City continues to renew Certificates held by companies whose drivers work out of the City's jurisdiction at Washington Reagan National Airport. The City is aware that almost all of the affiliated drivers for five out of the six Alexandria companies work exclusively at the airport, yet the City renews the Certificates for those companies every year. We think it is unlawful for the City to issue Certificates to companies that serve outside of its jurisdiction.
- Because the City of Alexandria regulates the size of the taxi companies, horizontal movement between companies is restricted, and driver/owners coming into the industry have no real choice as to where to affiliate. We think it is unlawful to restrict the size of the taxi companies, particularly when those companies own no taxis. We think it is unlawful to restrict the transfer of taxi driver/owners from company to company as business or service warrants, or from creating their own company.
- Grandfathered individual Certificate of Public Convenience and Necessity holders are required to affiliate with a company and restricted from transferring their certificate. We think it is unlawful to require a grandfathered Certificate holder to operate under the authority of another, company Certificate. We think it is unlawful to treat individual and company certificate holders differently. We think it is unlawful to require the grandfathered certificate owner to transfer his certificate only when he is leaving the taxi industry and only to the company he is affiliated with.

For a more extensive discussion of these points and suggested remedies, please see page 3.

2. **Taxi Driver/Owner cooperative.** On May 10, 2004, 300 current drivers and owners of taxis in Alexandria filed an application for a Certificate of Public Convenience and Necessity for the Alexandria United Taxi Cooperative. These driver/owners made the decision to form their own company in order to protect their livelihood. Although they have been told an answer is imminent, to date, they have not received a decision from the City Manager. We think it is unlawful to try to protect existing companies against competition and to prevent existing drivers from moving to their own company.

For a more extensive discussion of these points and suggested remedies, please see page 7.

3. **Airport Taxi Driver/Owners.** We think the airport is unlawfully requiring its drivers to obtain licenses and Certificates of Public Convenience and Necessity in other jurisdictions. We think other jurisdictions are unlawfully providing those licenses and Certificates of Public Convenience and Necessity, to the detriment of the taxi consumers in their jurisdiction.

For a more extensive discussion of these points and suggested remedies, please see page 7.

## 1. City Taxi Driver/Owners

**Requirement to Turn Over Assets.** Besides being taxi drivers, we are taxi owners and businessmen in our own right, and most of us are solely dependent on the taxi industry for our livelihood. The City does not issue its Certificate of Public Convenience and Necessity to the owner of the taxi. (Except for Grandfathered Certificates, which are discussed below.) Instead, the City issues Certificate's of Public Convenience and Necessity to taxi companies who do not own taxis. The City's Taxi Regulations require that we affiliate with a taxi company. Our central question concerns the requirement that we turn over our business assets (our vehicles and our Virginia State authorization to operate a taxi) to taxi companies without compensation or a contract or lease agreement. The taxi companies then use our assets to satisfy the requirements set by the City of Alexandria to renew their Certificate of Public Convenience and Necessity. The Certificate allows the companies to operate a taxi business. None of the companies in Alexandria own the required number of taxis to obtain or renew the Certificate. The income for each of these companies is obtained solely by charging taxi driver/owners a fee called stand dues.

**Regulation of the Size of Taxi Companies.** Alexandria restricts the size of taxi companies by issuing Certificates of Public Convenience and Necessity for a certain number of allocated taxis. The City claims to have the authority to do so from the State ordinance that gives local jurisdictions the authority to limit the number of taxis. However, the City issues Certificates to companies that own no taxis, so the claim that they are limiting the number of taxis by limiting the size of the companies does not hold. The issuance of Certificates to companies that own no taxis has had two extremely detrimental effects on the industry:

1. None of the taxi companies has a stable base of operations in that none own enough taxis to operate if independent taxi driver/owners decide to leave. Three companies, Yellow, Diamond and White Top, are at risk now because drivers have chosen to leave, mostly to other jurisdictions. The City has always maintained that taxi driver/owners must not be allowed to transfer freely from company to company because allowing those transfers might weaken the company's ability to do business. The effect of this protection has been the weakening of taxi companies that used to provide an effective dispatch to City consumers, the preservation of weak companies who never served the City's consumers, and the prevention of new, potentially stronger taxi companies from entering the industry
2. Because they derive their income solely from stand dues payments from taxi owners, the taxi companies have shifted their focus from attracting taxi consumers to attracting and retaining the taxi owner. For the past twenty years, there was a surplus of taxi drivers and taxi owners in the area, so the companies were assured of their allocation and even their service to the taxi driver/owners deteriorated. At the same time, the stand dues steadily increased without a corresponding increase in service to drivers. In fact, there was a decrease in service as companies combined dispatch operations and began to charge extra for credit card service. Recently, since 9/11, a shortage of taxi drivers has developed. The taxi companies responded at first by holding open numbers (numbers without an affiliated taxi owner). Only one

company, Diamond, responded by lowering its stand dues. All the taxi companies have long since abandoned any real marketing effort. Most have failed to reinvest in the company and improve service with advances in technology. Instead, the owners of the companies have treated the stand dues as personal income or used them to support business concerns other than the taxi company. Especially now that there is a general shortage of taxi drivers in the area, there is a disincentive for the taxi companies to provide service to the taxi consumer if it means disciplining or losing an affiliated taxi owner and his taxi.

3. Because it is cheaper to operate, five out of the six companies have effectively abandoned dispatch service in favor of affiliating airport drivers. Only one company has an effective dispatch operation.

Limiting the size of the taxi companies has had the following detrimental effects:

1. The taxi companies have a disincentive to market the business because if they get an increased volume of calls they will not have the taxis to provide service. Companies are prevented from growing. Drivers cannot transfer in a timely manner to the company that does have business or from the company that does not have business. One owner owns two companies, Diamond and Yellow Cab, and allocations totaling 368 taxis. By allocating a large number of cabs to one owner, the City has created a monopolistic situation that has resulted in only one dispatch company left in the city, Yellow Cab. **We think this is an antitrust violation.** We think Yellow/Diamond Cab's owner has an undue influence on city staff and the City Council with regards to the taxi industry. The owner is operating both of his companies out of one facility, creating a conflict of interest for both the taxi driver/owner and the taxi consumer. Diamond Cab once had an independent, viable dispatch, but in January of 2005 discontinued dispatch altogether.
2. Because the City determines the size of the taxi company, the taxi driver/owners are restricted in their ability to transfer from one company to another. The City claims that this restriction is necessary to protect the stability of the companies. The result of artificially protecting the stability of taxi companies that do not own any taxis has been to make the companies disinterested in the taxi consumer and has led to a deterioration of service to the taxi consumer. New companies have been prevented from coming into the market while the City protects companies that provide no service to the City's consumers. **We think this is an antitrust violation.**
3. By allowing over half of the allocated taxis to work outside of its jurisdiction at the airport, the City has taken on the expense of inspecting and granting permits to three hundred taxis that do not work in its jurisdiction. The City has done so without any agreement with or compensation from the airport. We think that this action by the City is fiscally irresponsible in addition to being unlawful.

**Grandfathered Certificate Holders.** Some taxi driver/owners have an individual Certificate of Public Convenience and Necessity, grandfathered to them in 1982 when the City revised the taxi code. These driver/owners are also required to affiliate with a company and pay stand dues. Unlike the companies, they are restricted from transferring their Certificate to anyone other than the taxi company they are affiliated with. They are restricted from moving from company to

company. In effect, we think the City deprived these individuals of their property, i.e. their Certificates, without just compensation. In addition, we think the City has unlawfully required these Certificate holders to operate under another Certificate, in effect, nullifying their own Certificate and obligating them to pay stand dues. **We think this is an antitrust violation.** We think grandfathered certificate holders who have been forced to operate under these conditions are owed money both for the unlawful restriction of their Certificates and for the stand dues they have unlawfully been forced to pay over the last twenty years.

#### **A Snapshot of Alexandria's Taxi for Hire Industry:**

- In Alexandria, more than 99 per cent of the drivers own the taxi they drive, each driver owning a single taxi. The taxi driver/owner obtains the required driver permit, the vehicle, the required state authorization to operate the taxi, the required insurance and tags, and makes the necessary repairs to pass inspection. He then must affiliate with a company, to whom he pays a fee called 'stand dues'. He is responsible for maintenance of the vehicle and maintaining insurance.
- There are 645 authorized taxis in Alexandria allocated by the City to six companies:

Yellow Cab**	268
Diamond Cab**	100
White Top Cab	116
VIP Cab	58
King Cab	57
Columbus Cab	46

\*\* Diamond and Yellow Cab are both owned by the same person.

- There are three markets served by Alexandria taxi drivers:
  1. Ronald Reagan National Airport. (See discussion below.) A total of about 300 drivers work at the airport.
  2. Metro taxi stands. Customers arriving at Metro Rail stations walk to taxi stands to get a taxi. Some Yellow and White Top drivers work Metro taxi stands, with only one or two from the other companies. A total of about 80 drivers work the Metro taxi stands.
  3. Dispatch. According to the latest City Manager's Report on the Taxi Industry (Enclosed), only about thirty percent of consumers of Alexandria taxis obtain their taxi through dispatch. Since that report, one company (Diamond) has ceased to dispatch, and White Top is maintaining only enough dispatch for about fifteen drivers. Yellow Cab has a viable dispatch, enough for about 150 drivers. None of the other companies has a viable dispatch. A total of about 165 drivers work dispatch.

Currently, there are about 100 authorized taxi slots that are open, meaning that the company does not have a taxi on the road for that allocation. This happens when the

company cannot affiliate a taxi owner for all its allocations. Primarily, Yellow, Diamond and White Top have openings. This is a recent development over the last year.

- Because of Alexandria's close proximity to Maryland and the District of Columbia, a great number of the trips made by Alexandria taxis are interstate trips.
- According to the latest City Manager's Report on the Taxi Industry (Enclosed), the City has issued 975 taxi driver permits.

Alexandria City taxi consumers face several problems:

1. Having only one dispatch company leaves dispatch customers no choices. When that dispatch fails, as it has periodically done over the last year, consumers wait thirty minutes to over an hour for a taxi. Yellow Cab is experiencing a loss of drivers because of a shortage of drivers in the area, high stand dues coupled with poor service and poor marketing, and opportunities for drivers opening up at the airport and in other jurisdictions. Another important factor is the need for new drivers to provide their own taxi, and new taxi owners evaluation that other jurisdictions have more to offer to taxi owners. Yellow Cab testified recently before the City Council that the lack of drivers has led to a deterioration of service to taxi consumers. When Yellow Cab fails to produce a taxi, there is no reliable alternative.
2. The City has contracts for DOT Taxi service to handicapped individuals and to seniors. Yellow Cab holds the contracts, and there has been a marked deterioration in service to these contracts. Recently, Yellow Cab threatened to stop serving those contracts, and the City was faced with no alternative companies who could adequately serve those contracts.
3. The City is loosing drivers to other jurisdictions. This is leading to a drastic shortage of drivers in Alexandria and currently affecting Yellow, Diamond and White Top.

**Remedy.** The City must grant Certificates of Public Convenience to taxi owners. The City must allow taxi owners to move freely from company to company. The City must stop limiting the size of the companies and let the taxi consumer decide which taxi company they wish to use. Taxi driver/owners will follow the business, and the company able to provide them with the most business will attract the most driver/owners. Other companies will have to compete based on attracting taxi consumers in order to attract taxi driver/owners. The City must allow taxi driver/owners to come together and form their own cooperatives or associations, since those taxi driver/owners, already dependent on taxi consumers for income, will serve the taxi consumer efficiently and well in order to preserve their livelihood. The City must stop allocating taxis to the airport, which is out of its jurisdiction. The City must grant Certificates to new companies until an alternate viable dispatch is established. The City is loosing drivers to other jurisdictions, and must develop incentives to attract and retain drivers and companies willing to serve the City.

## **The Cooperative**

A year ago, current drivers and owners of taxis in Alexandria decided to form the Alexandria United Taxi Cooperative (AUTC) in order to protect their livelihood. The taxi industry in Alexandria was deteriorating due to twenty years of restrictive regulations by the City that consistently favored one taxi company owner, and the driver/owners were convinced that they could serve the taxi consumer at a much lower stand dues rate than the inflated rates charged by the existing taxi companies. The City requires a Certificate of Public Convenience and Necessity, so AUTC applied for a Certificate on May 10, 2004. We believe it is unlawful for the City to prevent the formation of a company or association to serve the City by taxi owners already operating in the City. Such a formation would not affect the number of taxis in the City. It would only reallocate existing taxis. **We think this is an antitrust violation.**

**Remedy.** The City must grant a Certificate of Public Convenience and Necessity to these three hundred taxi driver/owners who are members of the Alexandria United Taxi Cooperative.

## **Airport Taxi Driver/Owners**

The Washington Metropolitan Airport Authority (WMAA) runs Ronald Reagan National Airport. The Airport is located in Virginia, and as part of its lease agreement is required to abide by Virginia State ordinances. The airport has its own taxi regulations and an ID system to test and screen drivers. It has its own police force that enforces the airport's taxi regulations.

The airport requires drivers seeking an ID to be licensed in one of six local jurisdictions and to be operating under a Certificate of Public Convenience and Necessity from the same local jurisdiction. The six jurisdictions are Arlington County, Fairfax County and Alexandria City in Virginia, Prince Georges and Montgomery County in Maryland, and the District of Columbia. None of the jurisdictions actually has the authority to license drivers to work at the airport.

Each of the six local jurisdictions only has the authority to regulate the taxi industry inside their local jurisdiction. For example, under the Alexandria taxi ordinance, taxi drivers are permitted to pick up a customer whose trip either originates or terminates in Alexandria. Under the same ordinance, trips that both originate and terminate in another jurisdiction are prohibited for Alexandria taxis. However, all airport trips originate outside of Alexandria's jurisdiction, and only a fraction of the whole number of airport trips has Alexandria as a destination. So the airport is requiring the City to grant an authority to operate taxis that is in direct conflict with the City's ordinance, and the City is granting that authority to operate taxis in direct violation of its own ordinance.

In the same manner, D.C. drivers pick up in Virginia at the airport and transport to Maryland, and Maryland drivers pick up in Virginia at the airport and transport to the District of Columbia. This causes taxi drivers at the airport to repeatedly violate the ordinance in their own jurisdiction.

More than half of the drivers in the Alexandria industry, about three hundred, work exclusively at Ronald Reagan National Airport. About eighty drivers from other Virginia jurisdictions work at the airport. The Virginia drivers constitute about forty per cent of the total drivers working at

the airport. About sixty percent of the drivers come from Maryland or the District of Columbia. This means that at Ronald Reagan National Airport, sixty per cent of the taxis operate without the required Virginia State permission to operate a taxi and the required Virginia State level of insurance coverage, a violation of Virginia State code and therefore a violation of the WMAA's lease agreement.

Ronald Reagan National Airport has its own dispatch system, for which taxi drivers pay \$1.75 per trip. Cabs are dispatched through a line on a first come, first serve basis. There are two lines, one for Virginia taxis and one for Maryland or District of Columbia taxis.

The Ronald Reagan National Airport regulations provide that the fare charged to the taxi consumer will be determined by the jurisdiction from which the taxi originates, so there are six different rates for taxi consumers getting into a cab at the airport. The taxi consumer cannot choose the rate, but instead is placed in a cab on a first come, first served basis.

This situation causes several problems for taxi consumers:

- First, there is no uniform set of fares. Each driver charges the rate determined by the jurisdiction in which he is licensed. The Virginia and Maryland taxis are metered, but the District of Columbia taxis are not metered and use a zone system instead. Fares from the airport to the same destination differ, often markedly, depending on what taxi the consumer enters. Even regular customers are confused because they pay a different fare each time they travel to the same destination. There is ample opportunity to cheat, since there are no uniform fares at Ronald Reagan National Airport.
- Second, customers have to pay \$1.75 per trip for dispatch. Ronald Reagan National Airport is the only airport in the United States with such a fee. In addition, the taxi rates established in the jurisdictions which require affiliation factor into their rates a payment for dispatch included in the stand dues paid by the drivers to the companies with whom they affiliate. In effect, then, the airport customer pays twice for dispatch, and pays a higher rate than necessary for his fare. The Alexandria taxi driver also pays a fee to the airport. In addition, he pays a fee to an Alexandria company that does not serve either the airport taxi driver or the airport consumer. Collectively, the stand dues paid by Alexandria taxi drivers to the Alexandria companies amount to more than one million dollars per year. We think this money could be better spent by drivers to upgrade their vehicles and improve service to the consumer.
- Third, there is a shortage of taxis at the airport. It takes about a year to obtain an airport ID, in part because of the requirement to obtain the license in the local jurisdiction, and in part because of the airport restrictions. The result for consumers is long waits, particularly when the airport is backed up because of weather or during times of peak volume. In some cases taxi consumers are standing in line for forty-five minutes waiting for a taxi.
- Fourth, the insurance requirements for taxis in the District of Columbia and Maryland are considerably lower than in Virginia. Even though Virginia has State mandated required

insurance levels for all taxis using Virginia roadways, including the roadways at the airport, the passengers in Maryland or District of Columbia taxis at the airport do not **enjoy that protection**.

**Remedy.** The airport must require all drivers to obtain operating authority for their taxi from the State of Virginia. Obtaining that authority will require drivers to acquire the level of insurance required by the State of Virginia, which will adequately protect the taxi consumer. The airport must adopt a standardized fare, in compliance with the laws of the State of Virginia. The airport should continue to issue its ID, but should require all airport taxis to adopt one color. This will simplify the dispatch operation at the airport and lessen the cost of dispatch for the consumer. This will also save over a million dollars in stand dues paid by affiliated taxi drivers to their own jurisdictions, money the drivers can then spend on better service and on their taxis for use at the airport.

We have long had one other important concern, and that is the possibility of corruption related to the City's taxi industry. We do not have the resources to investigate, but several factors have raised our concern. We have watched the industry deteriorate alarmingly while the City took no action, we have watched while the City continued for twenty years to support and protect companies which did not serve the City's consumers, we have seen the City Manager fail to enforce the City's taxi ordinance, particularly with respect to the companies, and we have seen the City Manager and the Council act in violation of the City's ordinance and, we believe, in violation of state and federal antitrust laws. All to the detriment of the taxi industry. To our way of thinking, either there is a woeful amount of ignorance or there is corruption.

On behalf of Alexandria taxi driver/owners and taxi consumers in general, I request an investigation of Alexandria's taxi-for-hire industry and airport taxi service as to antitrust violations or any other violations. We will be happy to provide you with any additional information you need. Thank you in advance for your consideration of this matter.

Sincerely,



Mohammad Khan  
President

Cc: James Hartmann, Alexandria City Manager  
Ignacio Britto Pessoa, Alexandria City Attorney  
Alexandria City Council  
Gary Myers, Ronald Reagan National Airport Manager  
Jerry W. Kilgore, Virginia State Attorney General

## Changes to June 1, 2005 Draft

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### CHANGE:

- infra – remove the term “character” from consideration in context of application and replace with “qualifications”, as follows:

Change is made in Sections 9-12-24, -25(d)(7), -29 and -45.

**JUSTIFICATION:** Change made to address concerns regarding potential arbitrariness in standard.

## Changes to June 1, 2005 Draft

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### CHANGE:

- 9-12-25(d)(5) – clarifies how industry performance is considered in context of application for new company certificate, as follows:

(5) Any deficiencies or shortcomings in [DELETE - The adequacy of – END DELETE] existing taxicab service and other forms of transportation for passengers already in existence.

**JUSTIFICATION:** In response to Councilwoman Woodson’s comment, change makes clear that existing companies are not being protected at the expense of a new company.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-25(d)(9) - prohibit common ownership among taxicabs companies authorized to do business in Alexandria, as follows:
  - (9) The effect on promoting competition and improving the quality of taxi service provided in Alexandria. There shall be a prohibition, based on potential anti-competitive impact, against any entity owning, in whole or in part, an interest in more than one taxicab company authorized to do business in the city. Any entity in violation of this provision as of [the effective date] shall have 18 months from the effective date to come into compliance therewith.

**JUSTIFICATION:** This provision was discussed early on in the negotiations with the industry but through unintentional oversight had been previously omitted.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-26(a)(2) – remove section in its entirety, as follows:

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

**JUSTIFICATION:** In response to Councilwoman Woodson's concerns regarding limitations on business growth, remove as unnecessary.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-29(b)(3) and -32(e) – remove automatic expiration of limitations on company size, as follows:
  - (3) The city manager shall not approve a merger which results in any person controlling more than [To be determined by council] % of the taxicabs authorized under this article. [DELETE - ; provided, however, that the provisions of this subsection shall expire on [effective date plus 30 months] – END DELETE]. This limitation [DELETE - , the expiration period thereof, or both, - END DELETE] may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.
  - (e) Have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of [To be determined by council] % of the total number of taxicabs authorized under this article. [DELETE - ; provided, however, that the provisions of this section shall expire on [effective date plus 30 months]. – END DELETE] This limitation [DELETE - , the expiration thereof, or both, - END DELETE] may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.

**JUSTIFICATION:** Rather than make these terms expire automatically, this revision gives the City Manager authority to make sound public policy decisions based upon actual industry performance, rather than through an arbitrary deadline.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-30(a)(2) – require city manager to make a finding of public convenience and necessity before exercising the power to “back-fill” lost authorizations in excess of the maximum percentage caused by application of the third year transfer guarantee, as follows:
  - (a)(2) . . . In the event the application of this policy results in the net reduction of more than [To be determined by council] % of any taxicab company’s authorized vehicles, the city manager shall have the authority to grant the impacted taxicab company such additional authorized vehicles as to allow the company to only suffer a [To be determined by council] % net reduction in authorized vehicles, upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting high quality dispatch and customer service.

**JUSTIFICATION:** This provision ties the “back-fill” protection for companies in the context of the “3 Year Rule” to the public interest, rather than making the protection automatic.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-31(c)(1) – simplifies calculation of amount of reduction in authorizations a taxicab company may incur, as follows:
  - (1) [DELETE -The minimum number shall be based on a minimum ratio of dispatch trips per taxicab, which shall be established by regulation, sufficient to ensure that drivers have the opportunity to comply with the standards of dispatch service prescribed by regulation. END DELETE] The minimum number of authorized taxicabs for each certificate holder shall not be fewer than [To be determined by council] % less than the number then authorized. [DELETE - , except, that the minimum number may be adjusted upward based on a finding of exemplary service provided by the certificate holder or by operation of section 9-12-30(a)(2). END DELETE]

**JUSTIFICATION:** Avoids formula based “min/max” calculation, thereby being easier to administer.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-31(j) – add new section regarding “back-fill” in the context of the annual review of the industry, as follows:
  - (j) After completion of the transfer review process and and the review of all applications for new or renewed certificates of public convenience and necessity, the city manager may approve additional authorizations for existing companies that have requested same, based upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting prompt dispatch and exceptional customer service.

**JUSTIFICATION:** Gives City Manager discretionary authority, after proper finding, to grant additional authorizations to ensure consistent customer service to all constituencies, including, but not limited to instances where a company may have contract in place for service - e.g. Seniors, hospitals, schools. This is not intended to artificially grow the industry, but provide a safety net to ensure dependable, consistent service.

## Changes to June 1, 2005 Draft

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### CHANGE:

- 9-12-32(c) – clarification of existing text and addition of company dispatch performance “floor”, as follows:
  - (c) Provide the minimum level of service for [DELETED passenger pick up END DELETED] passenger pick up and call response time as prescribed by regulation; however, in no circumstance may regulation set an average dispatch call volume equaling less than two dispatch call per driver per day.

**JUSTIFICATION:** Sets floor for average number of dispatch calls that will be set by regulation in order to ensure that new ordinance properly

## Changes to June 1, 2005 Draft

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### CHANGE:

- 9-12-46 and -50(c) – changes period of time for completion of driver training (-46) and duration of any temporary driver permits authorized by regulation, as follows:
  - Time extended in each section from sixty to ninety days

**JUSTIFICATION:** Provides more time for drivers to finish training and to drive on a temporary permit.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-46 – clarify the testing criteria for drivers, as follows.

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

**JUSTIFICATION:** This change makes it clear that drivers will not be tested on portion of the ordinance that relate to taxicab companies or that are otherwise not applicable to drivers and are therefore not necessary for testing purposes.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-57(j) – adding a reasonableness requirement to the invocation of the loitering prohibition, as follows.

Loitering at taxi stands. No driver shall loiter or congregate with others in sidewalks adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in such a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the sidewalk.

**JUSTIFICATION:** Added in response to request from TWSC/AUTO for clarification of this standard.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-57(n) – clarifies the “floor” for driver dispatch volume, as follows:
  - (n) Responding to dispatch calls. Every driver shall comply with the standards of dispatch service prescribed by regulation. Each driver must average not less than fifty percent of the average dispatch call volume set by regulation pursuant to section 9-12-32(c) for the company with which the driver is affiliated. Notwithstanding the foregoing, a company may set a different level of service for its drivers so long as the company meets the dispatch requirements set forth by regulation pursuant to section 9-12-32(c) and notifies the hack inspector of this policy.

**JUSTIFICATION:** Clarifies minimum level of dispatch service each driver must provide and allows companies to modify those levels as long as they meet their dispatch requirements.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-78(a) – sets “reasonable” period of time for inspection of vehicles upon transfer, as follows:
  - (a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a taxicab or otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the vehicle permit may not be transferred to the new owner unless and until the hack inspector has inspected the vehicle and determined that the vehicle complies with all requirements for a new permit. Such inspection shall be conducted within a reasonable period of time.

**JUSTIFICATION:** Response to TWSC/AUTO request so as to not unreasonable delay the transfer of taxicab to new owner.

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-79(d) – make it clear that certain violations regarding the condition of vehicles are punishable by administrative and civil remedies and are thereby exempt from criminal remedies: as follows:

(d) In addition to the foregoing, any vehicle owner or driver who violates section 9-12-80 or -81 shall be guilty of a class two civil violation.

**JUSTIFICATION:** Added in response to comment from TWSC/AUTO to be clear that certain violations did not come under the general criminal liability for violations of the ordinance set forth in section 9-12-2(c).

## Changes to June 1, 2005 Draft

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**CHANGE:**

- 9-12-81(n) – Delete entire section.

**JUSTIFICATION:** Since all companies are required to have written contracts with their drivers, any limitation on bumper stickers can be left to a matter of contract between company and driver and does not need to be addressed in the ordinance.

## Changes to June 1, 2005 Draft

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### CHANGE:

- 9-12-132(a)(1) – add \$0.50 to initial drop charge, bringing first drop charge to \$2.75, as follows:
  - (a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to make any greater or lesser charge:
    - (1) For the initial meter charge (referred to as the first drop), **\$2.75**.
- Justification: Response to industry call for rate adjustment, codifies as part of initial drop the current fuel surcharge.

## Remaining Issues

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### Docket memorandum:

1. **Driver mobility and transfers of authorizations;**
2. **Limitations on the size of taxicab companies;**
3. **Consideration of “airport only” drivers;**
4. **Competitive enhancements for small companies; and**
5. **Requirements for a dispute resolution process.**

### Effective date of ordinance

## Driver Mobility and Transfers of Authorizations

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### Related Issues:

- Annual Transfers of Taxicab Authorizations
- Adjustments to Authorization Transfer Limits
- Three-Year Mobility Guarantee

## Annual Transfers of Taxicab Authorizations

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Sec 9-12-30(a)(2) – Maximum net reduction in the number of authorized taxicabs for any one company resulting from annual transfer process

Sec 9-12-31(c)(1) – Same as 9-12-30(a)(2)

## Annual Transfers of Taxicab Authorizations

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### Maximum Net Reduction in Authorized Taxicabs Sec 9-12-30(a)(2) [Driver transfers]

An owner ... whether or not granting such an application results in the [To be determined by council] % limit set forth in section 9-12-31(c) being exceeded by application of this policy. In the event the application of this policy results in the net reduction of more than [To be determined by council] % of any taxicab company's authorized vehicles, the city manager shall have the authority to grant the impacted taxicab company such additional authorized vehicles as to allow the company to only suffer a [To be determined by council] % net reduction in authorized vehicles. ...

## Annual Transfers of Taxicab Authorizations

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### Maximum Net Reduction in Authorized Taxicabs Sec 9-12-31(c)(1) [Annual review]

The minimum number of authorized taxicabs for each certificate holder shall not be fewer than [To be determined by council] % less than the number then authorized.

## Annual Transfers of Taxicab Authorizations

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Sections 9-12-30(a)(2) and -31(c)(1)

Options:

1. 10% in any one year;
2. 20% in any one year;
3. 2% in any one year; or
4. 20% in first year, 5% each year thereafter

Staff recommendation: 10% in any one year

## Adjustments to Authorization Transfer Limits

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Sections 9-12-30(a)(2) and -31(c)

Options:

Min/max process

"Backfill" provision

## Adjustments to Authorization Transfer Limits

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### **Adjustments to Authorization Transfer Limits**

Sections 9-12-30(a)(2) and -31(c)

#### Min/Max Adjustment

The "min/max" process set forth in the current proposed ordinance at section 9-12-31(c) limits the number of authorizations a company could lose due to driver transfer based upon company dispatch volume and related customer service needs.

Staff recommendation: Revise to 10% "across the board.

## Adjustments to Authorization Transfer Limits

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Sections 9-12-30(a)(2) and -31(c)

#### "Backfill" Adjustment

A "backfill" process set forth in 9-12-30(a)(2) allows the City, through re-issuance of authorizations recovered due to attrition and/or issuance of new authorizations, to replace some of the authorizations that are lost due to driver transfers. This backfill provision would only apply in cases where the City determines that dispatch and customer service would suffer from the company's loss of authorizations.

Staff recommendation: Adopt backfill provisions

## Three-Year Mobility Guarantee

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Sections 9-12-30(a)(2)

Provides assurance that a driver will not be denied approval of a transfer request for more than three consecutive years.

Staff recommendation: Adopt three-year guarantee

## Limitations on Company Size

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Sec 9-12-29(b)(3) – Limit on size of merged companies and sunset provision

Sec 9-12-32(e) – Limit on size of any one company and sunset provision

## Limitations on Company Size

---

### Limit on Size of Merging Companies

#### Sec 9-12-29(b)(3)

The city manager shall not approve a merger which results in any person controlling more than [To be determined by council] % of the taxicabs authorized under this article. This limitation, the expiration period thereof, or both, may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.

## Limitations on Company Size

---

### Limit on Size of Any Company

#### Sec 9-12-32(e)

Have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of [To be determined by council] % of the total number of taxicabs authorized under this article. This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.

## Limitations on Company Size

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### Options:

1. 50% for any company; 40% at time of merger or consolidation;
2. 33 1/3% in any case;
3. 25% in any case; or
4. No limitation at all

Staff recommendation: 50% / 40% with modified sunset provision

## Remaining Issues

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### Docket memorandum:

1. **Driver mobility and transfers of authorizations;**
2. **Limitations on the size of taxicab companies;**
3. **Consideration of “airport only” drivers;**
4. **Competitive enhancements for small companies; and**
5. **Requirements for a dispute resolution process.**

**Effective date of ordinance**

## Dispute Resolution

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Sections 9-12-32(h) and 9-12-141 through -144

Options:

1. Retain the dispute resolution requirement and compulsory process in the final ordinance.
2. Allow companies to adopt a process in lieu of process specified in 9-12-142.
3. Delete Sections 9-12-32(h) and 9-12-141 through -144, thereby removing all dispute resolution requirements from the ordinance.

Staff recommendation: Allow companies to adopt process in lieu of process specified in 9-12-142

## Effective Date of Ordinance

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Sec 9-12-32(b)(2) – 18/7 dispatch for first year

Sec 9-12-35 – Continuation of “grandfathered” certificates

Sec 9-12-81(l) – Age limit for taxicab vehicles

Sec 9-12-141 – Dispute resolution

Staff recommendation: July 1, 2005

## Industry Work Group

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Driver, company and consumer representatives, Traffic and Parking Board representative(s) and staff

Charge:

1. Promote industry-wide understanding of the new requirements;
2. Assist in development of taxicab regulations;
3. Help refine administrative procedures and processes as they may affect performance;
4. Assist in monitoring service quality and customer satisfaction;
5. Participate in annual industry review; and
6. Participate in taxicab fare and fee reviews.

May petition Council for recognition as a standing body after implementation period if felt to serve industry interests



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 under a  
3 conditional sales contract, lease, bailment or any instrument in the nature of a lien.

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

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

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

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

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

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

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

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

26  
27 **Sec. 9-12-2 Compliance with article**

28  
29 (a) It shall be unlawful for any person to operate, drive or provide taxicab services in any  
30 taxicab required by this article to obtain a permit from the city, unless such person, and such  
31 taxicab, shall conform to and comply with the provisions of this article.

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

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

37  
38 **Sec. 9-12-3 Hack inspector.**

39  
40 The chief of police shall appoint either a sworn officer or a civilian employee to serve at his  
41 pleasure as hack inspector, and one or more assistant hack inspectors. The hack inspector shall

1 exercise the powers and duties provided for in this article and do all things necessary to make  
2 effective the provisions of this article. The Chief of Police may designate the hack inspector to  
3 administer some or all of his powers and responsibilities under this Article.  
4

5 **Sec. 9-12-4 Authority of city manager.**  
6

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

9 (b) The city manager is authorized to make such reasonable rules and regulations as may  
10 be necessary to administer the provisions of this article.  
11

12 **Sec. 9-12-5 False statements prohibited.**  
13

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

17 (b) It shall be unlawful for person knowingly to make or cause to be made, either directly  
18 or indirectly, any false statement in any document required to be submitted pursuant to this  
19 article.  
20

21 **Sec. 9-12-6 Insurance or bond required.**  
22

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

26 (1) A public liability and property damage insurance policy with a company authorized  
27 to do business within the state in at least the amount of \$450,000 combined single limit for death  
28 or bodily injury, and property damage, and every such policy shall contain a clause obligating the  
29 company issuing the same to give 15 days notice in writing to the hack inspector before any  
30 cancellation thereof.

31 (2) An indemnity bond of a surety company, authorized to do business within the state in  
32 the same amounts and for the same purposes as the insurance policy stated in subsection (1) of  
33 this section; provided, that the director of finance of the city, after investigation, shall be fully  
34 satisfied as to the financial responsibility of the surety company on such bond.  
35

36 **Secs. 9-12-7 through 9-12-20 reserved.**  
37

38 **DIVISION 2 Certificates of Public Convenience and Necessity**  
39

40 **Sec. 9-12-21 Certificate required.**  
41

42 It shall be unlawful for any person to operate or engage in business as a taxicab company  
43 unless a certificate of public convenience and necessity shall have been issued pursuant to this

1 article. It shall be unlawful for any person to operate or engage in business as a taxicab company  
2 under an expired, suspended or revoked certificate.

3  
4 **Sec. 9-12-22 Initial application for a certificate.**

5  
6 (a) An application for the initial issuance of a certificate of public convenience and  
7 necessity shall be made to the city manager, on or before May 1 of each year,  
8 on the form provided by the city manager.

9 (b) The applicant shall provide the following:

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

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

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

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

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

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

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

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

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

29 (10) The specific experience of the applicant in the transportation of passengers for hire  
30 and the management of a business engaged therein, including, without limitation, the disclosure  
31 of any ownership interest in any taxicab company anywhere at any time;

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

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

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

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

39 (d) Such forms shall include a statement that "It is unlawful for any person to make a  
40 false or misleading statement in connection with this application and the making of any false or  
41 misleading statement shall be grounds for denial of the application or subsequent revocation of a  
42 certificate, and for criminal prosecution."  
43

1           **Sec. 9-12-23    Fees**  
2

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

7           **Sec. 9-12-24 Investigation of applicant.**  
8

9            Upon the filing of any application for a certificate, the chief of police shall make or cause to  
10 be made a thorough investigation of the qualifications, and traffic and criminal records, of the  
11 applicant. The results of this investigation shall be submitted to the city manager on or before the  
12 public hearing held under section 9-12-25.  
13

14           **Sec. 9-12-25 Determination of public convenience and necessity; issuance of certificate.**  
15

16            (a)    Burden: The applicant shall have the burden of demonstrating that the public  
17 convenience and necessity require the operation of a new taxicab company and the authorization  
18 of any additional taxicabs that may be requested.

19            (b)    Notice and written comments: Upon receipt of a completed application for an initial  
20 certificate and authorization of any additional taxicabs, the city manager shall notify all existing  
21 certificate holders by mail, and the public by advertisement in a newspaper of general circulation  
22 published within the city, that the application has been filed, and that written comments on the  
23 application may be filed with the city manager within 30 days after publication of the notice. No  
24 application shall be considered complete unless all of the information in sections 9-12-22 and 9-  
25 12-32 has been provided.

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

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

- 37            (1)    The representations of the applicant as set forth in its application,  
38            (2)    The results of the investigation made under section 9-12-24  
39            (3)    Any information presented at the public hearing held pursuant to paragraph (c) of this  
40 section, and the recommendation of the Traffic and Parking Board.  
41            (4)    Information as contained in the city manager's most recent report on the economic  
42 conditions of the taxi industry required by section 9-12-31.

1 (5) Any shortcomings or deficiencies in existing taxicab service and other forms of  
2 transportation for passengers already in existence.

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

4 (7) The financial status, qualifications and responsibility of the applicant as  
5 demonstrated 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 application,  
7 the applicant's criminal and traffic record and the applicant's credit record, if any.

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

10 (9) The effect on promoting competition and improving the quality of taxi service  
11 provided in Alexandria. There shall be a prohibition, based on potential anti-competitive impact,  
12 against any entity owning, in whole or in part, an interest in more than one taxicab company  
13 authorized to do business in the city. Any entity in violation of this provision as of [the effective  
14 date] shall have 18 months from the effective date to come into compliance therewith.

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

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

22  
23 **Sec. 9-12-26 Certificate generally; form; term.**

24  
25 (a) The certificate of public convenience and necessity shall state the following:

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

28 (2) The date of issuance; and

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

31 (b) Every certificate shall expire on December 31 next after issuance. Before expiration,  
32 each certificate holder shall file a renewal application with the hack inspector pursuant to section  
33 9-12-27. In cases of death, sickness or unusual circumstances, the city manager may authorize  
34 the continued operation of an existing certificate until the following March 31.

35  
36 **Sec. 9-12-27 Renewal of certificate.**

37 Each certificate holder shall file an application for renewal of the certificate with the hack  
38 inspector by August 1 of each year on the form provided by the city manager.

39 Each application for a renewal of a certificate shall demonstrate compliance with section 9-12-  
40 32, and shall include a requested number of taxicab authorizations based on current service  
41 levels.



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

4 (5) In the event of a merger or transfer of control, the city manager may, in the  
5 manager's discretion, waive or modify the driver transfer limits set forth in section 9-12-30.

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

8  
9 (a) The number of taxicabs authorized by a certificate may be amended once a year  
10 during the annual review of the industry and the following procedures shall apply:

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

14 (2) An owner whose vehicle is affiliated with one certificate holder may apply not more  
15 frequently than once a year, on the form provided by the city manager, to have that affiliation  
16 transferred to a different certificate holder. Any such application shall be submitted to the city  
17 manager no later than November 15 of each year. All applications from eligible owners will be  
18 approved in order of seniority, subject to the net authorization loss limitations set forth in section  
19 9-12-31(c) herein. Notwithstanding the foregoing, no owner shall be denied his or her  
20 application for a transfer pursuant to this section more than two consecutive years, regardless of  
21 whether or not granting such an application results in the limit set forth in section 9-12-31(c)  
22 being exceeded by application of this policy. In the event the application of this policy results in  
23 the net reduction of more than the limit set forth in section 9-12-31(c) of any taxicab company's  
24 authorized vehicles, the city manager shall have the authority to grant the impacted taxicab  
25 company such additional authorized vehicles as to allow the company to only suffer a net  
26 reduction in authorized vehicles equal to the limit set forth in section 9-12-31(c), upon a finding  
27 that such a grant will be in the public convenience and necessity including, without limitation,  
28 promoting high quality dispatch and customer service. Each such application shall be signed by  
29 the prospective certificate holder, certifying acceptance of the owner if the transfer of affiliation  
30 is approved.

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

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

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

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

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

2  
3           (a)     Between September 1 and November 15 of each year, the Board and city manager  
4 shall conduct a review of the taxicab industry in Alexandria. The Board shall conduct a public  
5 hearing, after giving reasonable notice to all applicants, existing certificate holders and the  
6 public. The Board shall receive comment as to the economic condition of the taxicab industry,  
7 the adequacy of public service rendered by the industry, and whether any changes to the  
8 regulation of the industry are necessary or desirable, including changes to the number of taxicabs  
9 authorized for each taxicab company holding a valid certificate.

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

12          (c)     In reviewing applications to renew certificates of public convenience and necessity,  
13 the Board and city manager shall consider the certificate holder's record of compliance with  
14 section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be  
15 affiliated with each certificate holder, as follows:

16           (1)     The minimum number of authorized taxicabs for each certificate holder shall not be  
17 fewer than: 1) during the first year after the effective date of this ordinance, 10 % less than the  
18 number then authorized; 2) during the second and third years after the effective date of this  
19 ordinance, 15 % less than the number then authorized, except by operation of section 9-12-  
20 30(a)(2).; and 3) during the fourth year after the effective date of this ordinance and thereafter, 10  
21 % less than the number then authorized, except by operation of section 9-12-30(a)(2).

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

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

28          (d)     The Board and city manager shall set the total number of vehicles to be authorized  
29 for each taxicab company holding a valid certificate, giving consideration to such factors as bear  
30 on public convenience and necessity, including but not limited to:

31           (1)     The demonstrated need on a company-by-company basis on the number of cabs  
32 necessary to provide satisfactory public service, including ensuring adequate availability of  
33 taxicabs for dispatch service and taxi stands;

34           (2)     Changes in the number of trips actually served by taxicabs for each existing  
35 company;

36           (3)     The ability of current drivers to earn a living wage; and

37           (4)     Such factors listed in section 9-12-25(d) as the Board or city manager deem  
38 applicable.

39          (e)     [Reserved – see subsection(i).]

40          (f)     Giving consideration to the comments received at the public hearing, and to any  
41 additional information made part of the record before it, the Board shall forward its conclusions  
42 as to the status of the industry, and its recommendations as all matters included in the annual  
43 review of the industry, to the city manager. The report shall include the findings of fact upon

1 which Board's conclusions and recommendations are based. The report shall be transmitted to  
2 the city manager no later than November 15.

3 (g) Every second year, starting in 2005, the annual review of the taxicab industry shall  
4 also include a review of the fares and industry fees, including a review of the base fare, permitted  
5 additional charges and all fees charged to and by the certificate holders, owners and drivers. The  
6 public hearing before the Board shall include comments on such fares, charges and fees and any  
7 recommended changes thereof. The Board shall forward its conclusions, recommendations and  
8 findings of fact as to such fares, charges and fees as part of its report pursuant to section (f) of  
9 this section. In reviewing such fares, charges and fees, the Board and city manager shall, without  
10 limitation, take the following factors into consideration:

- 11 (1) Driver income compared to the City of Alexandria adopted living wage;
- 12 (2) Cost of industry related regulatory and enforcement expenditures; and
- 13 (3) Such factors listed in section 9-12-25(d) as the Board or city manager deem  
14 applicable.

15 (h) Not later than December 15, the city manager shall issue an order stating the  
16 manager's findings and conclusions as to the economic condition of the taxicab industry and  
17 determinations as to any pending applications or proposals under section 9-12-30. In issuing his  
18 order, the city manager shall presume that the factual findings of the Board are prima facie  
19 correct. If the manager disagrees with any of the recommendations of the Board the manager  
20 shall, with the issuance of the order, enumerate the reasons for not accepting such  
21 recommendations. The order of the city manager may be used by him in determining the public  
22 convenience and necessity under the provisions of this article.

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

- 28 (1) The individual and cumulative effect of the transfer on the transferee and transferor  
29 certificate holders;
- 30 (2) The individual and cumulative effect of the transfer on the applicant and other  
31 drivers.
- 32 (3) The satisfaction of all financial obligations to the existing certificate holder and  
33 acceptance by the new certificate holder.

34 (j) After completion of the transfer review process and and the review of all applications  
35 for new or renewed certificates of public convenience and necessity, the city manager may  
36 approve additional authorizations for existing companies that have requested same, based upon a  
37 finding that such a grant will be in the public convenience and necessity including, without  
38 limitation, promoting prompt dispatch and exceptional customer service.

39  
40 **Sec. 9-12-32 Requirements for certificate holders**

41 Each certificate holder shall:

- 42 (a) Provide 24 hour service;

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

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

4 (2) If less than 100 taxicabs are authorized under the certificate, dispatch may be  
5 provided 18 hours a day, 7 days a week until 1 year following July 1, 2005, after which dispatch  
6 must be provided as set out in paragraph (1);

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

10 (c) Provide the minimum level of service for dispatch and call response time as  
11 prescribed by regulation; however, in no circumstance may regulation set an average dispatch  
12 call volume equaling less than two dispatch call per driver per day.

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

14 (e) Have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of  
15 50 % of the total number of taxicabs authorized under this article. This limitation may be  
16 modified by the city manager upon a finding that the public convenience and necessity will be  
17 served by such a modification.

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

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

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

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

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

35 (k) Provide a 30 day notice to drivers of any changes in stand dues and post such  
36 changes in a conspicuous location in the taxicab company offices with a clearly stated reason for  
37 the change, and file such changes and reasons with the City, for informational purposes;

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

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

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

- 4 (1) Dispatch call volume totals;
- 5 (2) Number of complaints by type;
- 6 (3) A schedule of current stand dues;
- 7 (4) Dispatch call volumes and detailed call and pick up data files; and
- 8 (5) Such other information as may be prescribed by regulation.

9 (o) Provide on an annual basis in the manner prescribed by regulation financial  
10 statements prepared in accordance with generally accepted accounting practices, including, but  
11 not limited to, all financial information permitted by Virginia Code Section 46.2-2062(B) and  
12 any other applicable state law.

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

18 (q) All financial data information submitted pursuant to this section shall be deemed  
19 confidential financial information pertaining to the certificate holder's business license pursuant  
20 to Title 9 of the city Code and exempt from disclosure to the public pursuant to Virginia Code  
21 Sections 58.1-3 and 46.2-2602(B) and shall otherwise be kept confidential to the extent  
22 permissible under the Code of Virginia and the city Code.

23 (r) In the event that the City of Alexandria adopts a paratransit and/or senior citizen  
24 transportation program involving all certificate holders, each certificate holder must participate in  
25 such a program.

26 (s) All certificate holders who operate as taxicab companies must have written contracts  
27 setting forth the terms and conditions of their agreements with the drivers who operate under the  
28 vehicle authorizations granted to each certificate holder.

29  
30 **Sec. 9-12-33 Civil Penalties; revocation or suspension of certificates**

31  
32 (a) Any certificate holder who violates any provisions of section 9-12-32 shall be guilty  
33 of a class two civil violation.

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

- 37 (1) Failure to manage and operate the company and fleet in such a manner as to serve the  
38 public adequately;
- 39 (2) Failure to manage and operate the company and fleet in such manner as to cause the  
40 authorized taxicabs to be maintained in good order and repair;
- 41 (3) Failure to manage and operate the company and fleet in such manner as to cause the  
42 insurance required by this article to be maintained for the authorized taxicabs;

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

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

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

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

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

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

15 (d) The city manager shall notify the certificate holder by regular and certified mail  
16 directed to the address shown on the certificate, of his decision to revoke or place on  
17 probationary status the certificate. Such decision notice shall include the grounds for revocation  
18 or probation and the length of time of probation.

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

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

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

27 (h) Disposition of vehicle authorizations from a revoked certificate. The vehicle  
28 authorizations held by a certificate holder whose certificate is revoked under this section shall be  
29 returned to the city on the effective date of the revocation. Not less than 45 days prior to the  
30 effective date of revocation of the certificate, the city manager shall cause a public hearing to be  
31 held by the Board regarding the public interest in the disposition of the authorizations. The  
32 Board shall make a recommendation to the city manager as to the disposition of the  
33 authorizations. Not less than 21 days prior to the date of revocation, the city manager shall make  
34 a determination as to the disposition of the authorizations. There shall be a presumption, but not  
35 a guarantee, that the vehicle authorizations from a certificate holder that has its certificate  
36 revoked shall be allowed to transfer to other authorized certificate holders, unless the manager  
37 finds that such transfer will not be in the best interest of the public convenience and necessity.

38 (i) The city manager's decision to place on probationary status or revoke a certificate  
39 may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine  
40 whether the city manager applied the correct law, and whether the decision was arbitrary and  
41 capricious; provided a petition for review is filed with the Court within 30 days of the decision.  
42 The filing of such petition shall not stay the effect of such revocation or suspension, unless

1 otherwise ordered by the Court. The Court may affirm or reverse the decision of the city  
2 manager, or vacate the decision and remand the matter with instructions.

3  
4 **Sec. 9-12-34 Authorizations not in use**

5  
6 (a) If a certificate holder fails to operate any authorized vehicles for more than 90  
7 consecutive days, the authorization to operate such inactive vehicles shall terminate  
8 automatically and revert to the City, and the city manager shall issue a new certificate for the  
9 lesser number of authorized vehicles that remain in use.

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

13  
14 **Sec. 9-12-35 Grandfathered certificates**

15  
16 A certificate which was issued to an individual owner or driver prior to February 15, 1983, and  
17 remains in force and effect, including by renewal, on and after July 1, 2005, shall be subject to  
18 the following provisions:

19 (a) The holder of such an individual certificate may change affiliation at any time and for  
20 any reason, subject to compliance with the provisions of this section.

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

23 (c) Grandfathered certificates are non-transferable and upon the holder's departure from  
24 the industry, shall not be reissued.

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

26  
27 **DIVISION 3 Driver's Permit**

28  
29 **Sec. 9-12-41 Driver's permit required, display**

30  
31 No person shall operate a taxicab under the authority of a certificate of public convenience  
32 and necessity issued by the city, and no person who owns or controls a such a taxicab, shall  
33 permit it to be so driven, and no such taxicab shall be operated at any time for hire, unless the  
34 driver of such taxicab shall have first obtained and shall have then in force a driver's permit  
35 issued under the provisions of this division. Such permit shall be the property of the City, and  
36 shall be carried and displayed in a conspicuous place in the taxicab while being operated by the  
37 driver.

38  
39 **Sec. 9-12-42 Application.**

40  
41 (a) An application for a driver's permit under this division shall be made in writing under  
42 oath on forms provided for by the city manager, shall be filed with the hack inspector and shall  
43 provide the following:

- 1 (1) Pertinent personal data;  
2 (2) Physical condition of the applicant.;  
3 (3) Traffic record for 5 years previous to the date of the application including what  
4 driver's licenses have previously been issued to the applicant, and whether such license has ever  
5 been revoked or suspended;  
6 (4) Criminal record including state and local records;  
7 (5) Prior driving experience; and  
8 (6) Whether or not the applicant has ever been convicted, forfeited or entered a plea of  
9 nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof.  
10 (b) Each applicant shall apply for the permit in person and have his or her fingerprints  
11 taken, which fingerprints shall constitute a part of the application.  
12 (c) Each applicant shall file with the application 3 copies of a recent photograph, of a  
13 size designated by regulation, one of which shall be attached to and become a part of the  
14 application, another to be permanently attached to the permit, if issued.  
15 (d) The application shall state thereon that "It is unlawful for any person to make a false  
16 statement on this application and discovery of a false statement shall constitute grounds for  
17 prosecution and for denial or revocation of this driver's permit."  
18

19 **Sec. 9-12-43 Charges for permit.**  
20

21 The fees and charges for an application for, and for the issuance and renewal of, a drivers  
22 permit shall be established by regulation, and no application shall be filed, and no certificate  
23 issued or renewed, unless and until such fees and charges shall have been paid.  
24

25 **Sec. 9-12-44 Medical examination**  
26

27 If the application indicates that the applicant's ability to safely operate a taxicab is reasonably  
28 in question, no driver's permit shall be issued or renewed until the applicant shall furnish a  
29 certificate from a reputable physician, certifying that, in such physician's opinion, the applicant's  
30 ability to safely operate a taxicab is not impaired.  
31

32 **Sec. 9-12-45 Investigation of applicant.**  
33

34 Upon the filing of any application for a driver's permit under this division, the chief of police  
35 shall make a thorough investigation of the qualifications and traffic and criminal record of the  
36 applicant. Such investigation may include a local records check and a state records check. The  
37 result of this investigation shall be submitted to the hack inspector and to the Board upon appeal.  
38

39 **Sec. 9-12-46 Examination of applicant as to driving ability, etc.**  
40

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

1 the laws of this article applicable to drivers. The content, nature and form of such examination  
2 shall be determined by the hack inspector. After submission of the information set forth in  
3 section 9-12-42, payment of the fees set forth in section 9-12-43 and completion of any  
4 investigation required under sections 9-12-44 and -45, the hack inspector shall administer the  
5 referenced examination to the applicant, pursuant to such schedule as the hack inspector may  
6 determine. In the event the applicant passes the examination, the hack inspector shall issue a  
7 driver's permit to the applicant. Within 90 days after the applicant's passage of the referenced  
8 examination, the successful applicant shall complete the training requirements set forth in section  
9 9-12-47 and submit written documentation thereof to the hack inspector. In the event the  
10 successful applicant fails to timely complete the training and provide documentation thereof in  
11 the manner set forth herein, the hack inspector shall revoke the successful applicant's driver's  
12 permit. The hack inspector may reinstate any such revoked driver's permit upon satisfaction of  
13 the training and documentation requirements.

14  
15 **Sec. 9-12-47 Driver Training**

16  
17 After obtaining the driver's permit set forth in section 9-12-50(c), each successful applicant  
18 or holder of a driver's permit pursuant to this division shall attend a driver training course that  
19 has been approved by the city prior to receiving an annual driver's permit or any renewal thereof.

20  
21 **Sec. 9-12-48 Company endorsement of driver**

22  
23 No person may apply for a driver's permit without the endorsement of a certificate holder.  
24 Such endorsement shall be on a form provided by the city, submitted with the application for a  
25 driver's permit, and shall indicate the certificate holder's company's consent to authorize the  
26 driver, if a driver's permit is issued by the city, to operate a taxicab under the certificate.

27  
28 **Sec. 9-12-49 Requirements for driver's permit**

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

- 30  
31 (a) Is under 18 years of age;  
32 (b) Has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony  
33 involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo contendere to a  
34 misdemeanor involving moral turpitude within the last 5 years; provided, however, that the  
35 Board may waive the provisions of this subsection if the Board determines that such waiver  
36 would not be contrary to the public interest;  
37 (c) Has had a taxicab driver's permit or similar permit permanently revoked in any other  
38 jurisdiction;  
39 (d) Has ever been convicted, pleaded guilty, or pleaded nolo contendere to a charge of  
40 hit and run, leaving the scene of an accident or any similar charge where injury to a person was  
41 involved;  
42 (e) Has repeatedly been convicted, pleaded guilty, pleaded nolo contendere, or forfeited  
43 collateral for violations of the traffic or safety laws of any city, state or the federal government;

- 1 (f) Has not provided a written endorsement of a certificate holder;  
2 (g) Has not held a valid motor vehicle operator's license for a period of at least 6 months;  
3 (h) Has not passed the applicable examinations required by section 9-12-46 and  
4 completed the driver training course required by section 9-12-47, or  
5 (i) Does not have a valid work authorization the Immigration and Naturalization  
6 Service, if required.  
7

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

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

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

16 (c) The city manager may by regulation provide for a program for the issuance of  
17 temporary driver's permits. The chief of police may withhold issuance of the temporary permit if  
18 he reasonably believes that there are unresolved issues or additional information that may be  
19 required from an applicant. If upon review of the application, including a local criminal check,  
20 the chief of police finds no reason to deny the application, a temporary permit may be issued to  
21 the applicant as provided by regulation. Any such temporary permit shall be valid for no more  
22 than 90 days from the date of issuance.  
23

24 **Sec. 9-12-51 Appeal of a denial of a driver's permit**  
25

26 (a) When an application for a driver's permit under this division is denied, the applicant  
27 may appeal to the Board, which shall hold a hearing on any such appeal and make a  
28 recommendation regarding same to the city manager pursuant to the procedures set forth herein.

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

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

35 (d) The Board shall make its recommendation to the city manager, who shall have  
36 authority to affirm or reverse the decision appealed from. If the city manager finds for the  
37 applicant, the chief of police shall issue the driver's permit. If the city manager finds against the  
38 applicant, the decision of the chief of police shall stand. The action of the city manager on appeal  
39 shall be final.

40 (e) There shall be no rehearing and any such applicant shall not be considered for a  
41 period of at least one year after denial.  
42

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

2  
3           Each driver's permit issued pursuant to this division shall at minimum contain the following  
4 information:

- 5           (a)     The permit number;  
6           (b)     The name of the driver;  
7           (c)     A photograph of the driver;  
8           (d)     The date of expiration; and  
9           (e)     A statement that the permit is issued subject to the provisions of this article and may  
10 be suspended or revoked pursuant to the provisions of this article.

11  
12           **Sec. 9-12-53     Expiration of permit**

13  
14           Each driver's permit issued under this division, except for a 60 day temporary permit, shall  
15 expire two years from the date of issuance, unless sooner suspended or revoked.

16  
17           **Sec. 9-12-54     Renewal of permit.**

18  
19           A driver's permit may be renewed for successive periods of two years, provided that the  
20 procedure set forth for original applications is followed, including proof of compliance with the  
21 driver training requirement pursuant to section 9-12-47 and payment of all applicable fees.

22  
23           **Sec. 9-12-55     Permits nontransferable.**

24  
25           No driver's permit issued under this division shall be transferable.

26  
27           **Sec. 9-12-56   Records and Reporting Requirements**

28  
29           (a)     Accident reports. The driver of every taxicab shall report within 24 hours, to the  
30 hack inspector, every accident, however slight, in which a taxicab or any other vehicle operated  
31 by such driver is involved.

32           (b)     Manifest. Every taxicab driver shall keep, on a form prescribed by the city manager,  
33 a manifest, which shall, at minimum, record the place, date and time the transportation of each  
34 paying passenger commenced and terminated, and the amount of the fare, all of which shall be  
35 recorded immediately upon the termination of each trip. All manifests shall be subject at all times  
36 to examination or inspection by any duly authorized city official, the hack inspector or any police  
37 officer. Every manifest shall be kept and preserved for 12 months, and shall be submitted to the  
38 city manager or the manager's designee as required by regulation.

39           (c)     Disposition of property left in vehicles. Every driver of a taxicab shall carefully  
40 preserve any money or other property left in the taxicab and shall immediately notify the taxicab  
41 company of the discovery of the property and turn over such money or other property to the  
42 taxicab company within 24 hours of discovery. All taxicab companies shall maintain a lost and  
43 found for such property and shall report all property so received to the hack inspector, as

1 prescribed by regulation. Such money or other property shall be surrendered promptly to the  
2 owner, upon identification and proof of ownership.

3 (d) Drivers to report changes of affiliation. Every driver of a taxicab shall notify the  
4 hack inspector within 5 business days when he changes his affiliation to another taxicab  
5 company.

6  
7 **Sec. 9-12-57 Service requirements**

8  
9 The following are minimum service requirements that must be met by all drivers holding a  
10 driver's permit issued under this division:

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

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

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

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

23 (e) Priority of calls for service. Every driver of a taxicab shall serve requests for service  
24 in the order of receipt of such calls.

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

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

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

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

36 (j) Loitering at taxi stands. No driver shall loiter or congregate with others in sidewalks  
37 adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in such  
38 a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the sidewalk.

39 (k) Cruising. The city manager may prohibit cruising throughout the city or in  
40 designated areas within the city in times of emergency, or at other times when some activity takes  
41 place within the city which will produce abnormal traffic congestion and danger to pedestrians  
42 and the city manager finds that cruising would add to the congestion and danger. No such  
43 prohibition may be issued, except in case of an emergency, without notice and public hearing

1 before, and a recommendation from the Board. When the city manager has issued such  
2 prohibition, it shall be unlawful for any person to cruise in the area designated.

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

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

12 (n) Responding to dispatch calls. Every driver shall comply with the standards of  
13 dispatch service prescribed by regulation. Each driver must average not less than fifty percent of  
14 the average dispatch call volume set by regulation pursuant to section 9-12-32(c) for the  
15 company with which the driver is affiliated. Notwithstanding the foregoing, a company may set  
16 a different level of service for its drivers so long as the company meets the dispatch requirements  
17 set forth by regulation pursuant to section 9-12-32(c) and notifies the hack inspector of this  
18 policy.

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

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

23  
24 **Sec. 9-12-58 Temporary suspension of permits**

25  
26 (a) The chief of police or the hack inspector shall have the power to suspend any driver's  
27 permit for a period not to exceed five days for any one or more of the following causes:

- 28  
29 (1) Any violation of section 9-12-56;  
30 (2) Any violation of section 9-12-57; or  
31 (3) Any violation of section 9-12-60.  
32

33 (b) In addition to the foregoing, any driver who violates sections 9-12-56, -57 or -60  
34 shall be guilty of a class two civil violation.  
35

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

37  
38 Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-  
39 12-58, the driver may appeal to the Board, by filing a written notice of appeal with the hack  
40 inspector, within five days after being notified of his suspension. The hack inspector shall  
41 thereupon schedule, within a reasonable time, a hearing before the Board. Notice of such hearing  
42 shall be given the applicant at least five days before the hearing. Any suspension shall be stayed  
43 pending the hearing before and decision of the Board. The Board shall have authority to affirm,

1 reverse or modify the suspension appealed from. The action of the Board shall be final and there  
2 shall be no rehearing.

3  
4 **Sec. 9-12-60 Suspension and revocation of permits by the board.**

5  
6 (a) The Board shall have the power to recommend that the city manager suspend or  
7 revoke any driver's permit issued under the provisions under this division for any one or more of  
8 the following causes:

- 9 (1) Violation of any law involving moral turpitude;  
10 (2) Failure to report any accident in which the driver is involved;  
11 (3) Violation of any law prohibiting the operation of motor vehicles while under the  
12 influence of any intoxicating beverage, controlled substance or drug;  
13 (4) Operation of a taxicab known by the driver not to be in good order or safe repair;  
14 (5) Repeated violations of traffic or safety laws of local, state or federal government;  
15 (6) Being impaired by a disease or infirmity which makes the driver an unsafe driver;  
16 (7) Violation of any law prohibiting hit and run driving, leaving the scene of an accident  
17 or similar law;  
18 (8) Failure to serve the public adequately;  
19 (9) Making a false statement prohibited by section 9-12-5 of this code;  
20 (10) Repeated failure to be clean and dressed in neat, clean clothing at all times when  
21 serving the public;  
22 (11) Doing any act or failing to do any act which act or omission jeopardizes the health,  
23 safety or welfare of the public;  
24 (12) Repeated suspension pursuant to section 9-12-58 of this code;  
25 (13) Repeated or egregious rude or discourteous conduct towards a passenger; or  
26 (14) Violation of any other provision of this article.

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

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

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

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

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

41 (g) The city manager's decision to suspend or revoke a driver's permit may be reviewed  
42 on the record by the Circuit Court of the City of Alexandria, to determine whether the Board and  
43 city manager applied the correct law, and whether the decision was arbitrary and capricious;

1 provided a petition for review is filed with the Court within 30 days of the decision. The filing of  
2 such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered  
3 by the Court. The Court may affirm or reverse the decision of the city manager, or vacate the  
4 decision and remand the matter with instructions.

5  
6 **Secs. 9-12-61 through 9-12-70 reserved.**

7  
8 **DIVISION 4: Vehicle Permits**

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

11  
12 No taxicab shall be operated under the authority of a certificate of public convenience and  
13 necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it  
14 to be so operated, and no such taxicab shall be operated at any time for hire, unless the owner of  
15 such taxicab shall have first obtained and shall have then in force a vehicle permit issued under  
16 the provisions of this division. Such permit shall be the property of the City, and shall be carried  
17 and displayed in a conspicuous place in the taxicab.

18  
19 **Sec. 9-12-72 Application.**

20  
21 (a) An application for a vehicle permit under this division shall be made in writing under  
22 oath on forms provided by the city manager; shall be filed with the hack inspector and shall  
23 contain at minimum the following information:

- 24 (1) Full name of the applicant;  
25 (2) Applicant's current address;  
26 (3) Make, model and year of the vehicle;  
27 (4) Description of the insurance policy covering the vehicle;

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

31  
32 **Sec. 9-12-73 Charges for vehicle permit.**

33  
34 The fees and charges for an application for, and for the issuance and renewal of, a vehicle  
35 permit shall be established by regulation, and no application shall be filed, and no vehicle permit  
36 issued or renewed, unless and until such fees and charges shall have been paid.

37  
38 **Sec. 9-12-74 Issuance of permit; inspection of vehicle**

39  
40 Upon receipt of an application for a vehicle permit, the hack inspector shall make or cause to  
41 be made an inspection of the vehicle. If the vehicle complies with the provisions of this division  
42 and with the regulations promulgated pursuant to this article, the hack inspector shall issue a  
43 vehicle permit for such vehicle. If the vehicle is found by the hack inspector not to meet the

1 requirements, the hack inspector shall notify the applicant of all defects which must be remedied  
2 for the permit to be issued. If the defects are not corrected on re-inspection, the application for a  
3 vehicle permit shall be denied.

4  
5 **Sec. 9-12-75 Information to be shown on permits.**

6  
7 Each vehicle permit issued pursuant to this division shall contain at minimum the following  
8 information:

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

17  
18 **Sec. 9-12-76 Expiration of permit.**

19  
20 All vehicle permits issued under this division shall expire one year from the date of issuance  
21 of the permit on June 30 next after issuance, unless sooner suspended or revoked.

22  
23 **Sec. 9-12-77 Renewal of permit.**

24  
25 A vehicle permit may be renewed, provided the applicant follows the procedure set forth for  
26 original applications. The renewed permit shall expire one year from the date of issuance.

27  
28 **Sec. 9-12-78 Permit nontransferable before inspection.**

29  
30 (a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a  
31 taxicab or otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the  
32 vehicle permit may not be transferred to the new owner unless and until the hack inspector has  
33 inspected the vehicle and determined that the vehicle complies with all requirements for a new  
34 permit. Such inspection shall be conducted within a reasonable period of time.

35 (b) If a vehicle ceases to be used as a taxicab, the permit for that vehicle shall forthwith  
36 be surrendered to the hack inspector, and a new permit applied for and obtained for the  
37 replacement vehicle, if any.

38  
39 **Sec. 9-12-79 Suspension of permits**

40  
41 (a) The chief of police or the hack inspector shall have the power to suspend a vehicle  
42 permit for a period not to exceed five days for one of the following causes:

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

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

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

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

7 (d) In addition to the foregoing, any vehicle owner or driver who violates section 9-12-80  
8 or -81 shall be guilty of a class two civil violation.

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

11  
12 Every taxicab and the equipment used in connection therewith, subject to a vehicle permit  
13 pursuant to this division, shall be kept at all times in proper and safe mechanical and operating  
14 condition to the satisfaction of the hack inspector.

15  
16 **Sec. 9-12-81 Requirements for vehicles**

17  
18 Every taxicab and the equipment used in connection therewith, subject to a vehicle permit  
19 pursuant to this division, shall at all times comply with the following minimum standards:

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

22 (b) Ventilation of vehicles; lights. Every taxicab shall be equipped with properly  
23 functioning heating, air conditioning and windows and passenger cabin lights.

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

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

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

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

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

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

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

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

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

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

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

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

17 (l) Age of vehicles. Except for hybrid or alternative fuel vehicles, no vehicle permit  
18 shall be issued for a taxicab that is older than eight model years; provided, however, that a  
19 taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July  
20 1, 2007, provided such vehicle complies with all other provisions of this article. No vehicle  
21 permit shall be issued for a hybrid or alternative fuel taxicab that is older than ten model years;  
22 provided, however, that such a taxicab that was lawfully being operated as of July 1, 2005, may  
23 continue in operation until July 1, 2007, provided such vehicle complies with all other provisions  
24 of this article.

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

27  
28 Secs. 9-12-82 through 9-12-110 reserved.

## 31 **DIVISION 5 Taxicab Stands**

### 33 **Sec. 9-12-111 Establishment of stands.**

34  
35 The Board may establish taxicab stands at such places as it deems necessary for the public  
36 convenience. The Board's may act on its own motion or on the written application of any abutting  
37 owner, after a public hearing and 15 days notice to the public and to the owner of the property  
38 abutting and across the street from the proposed taxicab stand. No stand shall be established  
39 which would tend to create a traffic hazard or aggravate an already existing hazard.  
40

1           **Sec. 9-12-112 Abolition of stands.**

2  
3           (a)     The Board may, after notice and public hearing, abolish any taxicab stand which in  
4 its opinion is either:

- 5           (1)     No longer necessary for the taxicabs or for-hire vehicles using it;  
6           (2)     No longer in the best interest of the public convenience;  
7           (3)     Creating an unduly hazardous traffic condition; or  
8           (4)     Adversely affecting nearby property or the occupants thereof.  
9           (b)     The action of the Board shall be final.

10  
11           **Sec. 9-12-113 Doing business on street at other than duly established stands.**

12  
13           It shall be unlawful for any owner or driver of a taxicab or certificate holder to use as a place  
14 of business any parking meter space in the city or any portion of a street except at an authorized  
15 stand. For the purpose of this section, the actual transportation of passengers and the loading and  
16 unloading of passengers shall not be construed as doing business, but parking or standing while  
17 waiting for fares, calls, or dispatch shall be construed as doing business.  
18

19           **Sec. 9-12-114 Use of stands**

20  
21           (a)     Except as provided in section (b), vehicle stands shall be used only by on duty  
22 drivers authorized to perform taxicab services by this article.

23           (b)     Any person shall have the right to stop temporarily in any taxicab stand for the  
24 purpose of discharging or receiving passengers or for loading or unloading merchandise, and the  
25 owner or occupant of the abutting property shall have reasonable right of ingress and egress, but  
26 no person other than the driver of a taxicab authorized to use such stand shall park therein.  
27

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

29  
30           Drivers of taxicabs parked at any taxicab stand, shall at all times keep their taxicab attended  
31 and remain within 20 feet of their taxicab.  
32

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

34  
35   **DIVISION 6 Fares**

36  
37           **Sec. 9-12-131 Taximeters.**

38  
39           (a)     All taxicabs shall be equipped with taximeters fastened in front of the passengers,  
40 visible to them at all times day and night; and, after sundown, the face of the taximeter shall be  
41 illuminated. Such taximeter shall be operated mechanically or electronically by a mechanism of  
42 standard design and construction, driven either from the transmission or from one of the front  
43 wheels by a flexible and permanently attached driving mechanism. It shall be inspected and

1 certified by the hack inspector at an annual cost determined by regulation for each meter, at all  
2 points and connections which, if manipulated, would affect its correct reading and recording.  
3 Each taximeter shall be equipped with a mechanism or display which indicates when the vehicle  
4 is engaged and when it is not engaged; and the driver shall actuate the taximeter at the  
5 commencement of each trip and stop the taximeter at the termination of each trip. Any taximeter  
6 shall be subject to inspection upon demand by the hack inspector, or any police officer, and if the  
7 taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be operated  
8 until the taximeter is repaired, inspected and certified by the hack inspector.

9 (b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-  
10 133, any provision of this section in conflict with the terms and conditions of such contract shall  
11 not apply.  
12

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

14  
15 (a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be  
16 unlawful to make any greater or lesser charge:

17 (1) For the initial meter charge (referred to as the first drop), \$2.75.

18 (2) For the second and for each additional passenger who is five years of age or older,  
19 \$1.25.

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

21 (4) For each one hour of waiting time for one or more passengers, \$18. The incremental  
22 cost of this charge shall be \$0.40 for each 80 seconds. Waiting time shall include time consumed  
23 while the taxicab is waiting and available to passengers beginning three minutes after the time of  
24 arrival at the place to which it has been called, time consumed while the taxicab is stopped or  
25 slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or  
26 stopovers enroute at the direction of a passenger. No time shall be allowed for a premature  
27 response to a call. There shall be no charge for mileage when time is being charged for a taxicab  
28 that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time  
29 shall not include time lost on account of the inefficiency of a taxicab.

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

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

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

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

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

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

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

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

21 (c) Nothing contained herein shall prevent a certificate holder from establishing a  
22 coupon or reward program for its customers where a discount coupon, customer loyalty  
23 certificate or some other marketing device is accepted as part of the allowed fare set forth herein.  
24

25 **Sec. 9-12-133 Taxicab services and fares for elderly or physically handicapped**  
26 **persons, or for other specifically authorized services, pursuant to a**  
27 **contract between a certificate holder and the city or a nonprofit private**  
28 **or public organization.**  
29

30 Any certificate holder may enter into a contract, on an annual or semiannual basis, with the  
31 city or any nonprofit private or public organization to provide taxicab services for elderly or for  
32 physically handicapped persons, or for other specific services to the general public, as specified  
33 in the contract, under a fare schedule agreed upon in the contract. Any person operating a taxicab  
34 pursuant to such a contract shall comply with all other provisions of this article. Notwithstanding  
35 the foregoing, the city is not limited to contracting with a certificate holder for the provision of  
36 transportation services for such elderly or physically handicapped persons.  
37

38 **Sec. 9-12-134 Display of rate of fare by card.**  
39

40 (a) Every taxicab shall have displayed in such a place within the vehicle as to be in view  
41 of passengers a rate card to be furnished by the hack inspector, at a cost established by regulation,  
42 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 the  
2 vehicle as provided in section 9-12-94.

3  
4 **Sec. 9-12-135 Refusal of passenger to pay legal fare.**

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

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

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

19  
20 **Sec. 9-12-137 Carrying additional passengers when engaged.**

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

25  
26 **Sec. 9-12-138 Carrying several passengers to different destinations.**

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

33  
34 **Secs. 9-12-139 through 9-12-140 reserved.**

35  
36 **DIVISION 7. Dispute Resolution**

37  
38 **Section 9-12-141 Scope.**

39  
40 The provisions of this division shall apply to every certificate of public convenience and  
41 necessity issued under division 2 of this article; to every driver's permit issued under division 3  
42 of this article; to every person who operates a taxicab subject to this article, and to every person

1 who suffers, permits or allows the operation under such person's color scheme, insignia or trade  
2 name, of a taxicab subject to this article, from and after July 1, 2005.

3  
4 **Section 9-12-142 Required conditions.**

5  
6 Every certificate of public convenience and necessity issued under division 2, and every  
7 driver's permit issued under division 3, of this article, and the right to operate a vehicle, or to  
8 suffer, permit or allow the operation of a vehicle under a person's color scheme, insignia or trade  
9 name, pursuant to this article shall be subject to the following terms and conditions:

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

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

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

25  
26 **Section 9-12-142 Dispute resolution procedures.**

27  
28 Each taxicab company may opt to have a written dispute resolution procedure as part of its  
29 agreements with its drivers, so long as such a dispute resolution procedure incorporates, at a  
30 minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56  
31 of the American Arbitration Association. In the event that a taxicab company does not have an  
32 agreement with any driver incorporating such a dispute resolution procedure and said taxicab  
33 company is involved in a dispute with such a driver, then such dispute will be subject to the  
34 provisions of this section, as follows:

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

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

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

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

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

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

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

9           (b)     If the dispute is not resolved through the internal grievance procedure, both parties  
10 may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the  
11 parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to  
12 subsection (d).

13          (c)     Informal or formal mediation.

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

16          (2)     Within two weeks after such notice has been submitted, the parties may agree to an  
17 impartial person to mediate the dispute in an informal process. If the parties do not so agree, the  
18 party requesting mediation shall submit a written Request for Mediation to the American  
19 Arbitration Association (AAA). If the parties are unable to agree to mediation, either party may  
20 elect to proceed to arbitration, pursuant to subsection (d).

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

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

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

26          (6)     The mediation conducted by AAA shall be in substantial accord with the American  
27 Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such rules  
28 shall be available at city hall.

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

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

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

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

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

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

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

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

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

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

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

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

28  
29 **Section 9-12-143 Penalties.**

30  
31 A knowing failure to adhere to the dispute resolution procedures established by this division  
32 shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in  
33 addition, constitute grounds for suspension or revocation of a certificate of public convenience  
34 and necessity issued under division 2, or driver's permit issued under division 3, of this article.

35  
36 **Section 9-12-144 Regulations.**

37  
38 The city manager may promulgate such regulations as deemed advisable for the  
39 administration and enforcement of this division 7.

