

EXHIBIT NO. 1

City of Alexandria, Virginia

MEMORANDUM

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~~6-14-02~~
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6-15-02

DATE: JUNE 6, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *ps*

SUBJECT: ORDINANCE ELIMINATING THE REQUIREMENT THAT OWNERS/DRIVERS OF TAXICABS OR FOR-HIRE VEHICLES DISPLAY THEIR NAME ON THE EXTERIOR OF THE VEHICLE AND CHANGING THE AGE LIMIT OF PAYING TAXICAB PASSENGERS FROM 12 YEARS OLD TO FIVE YEARS OLD

ISSUE: City Council consideration of a proposed ordinance to amend the City Code to eliminate the requirement that taxicab owners/drivers and owners/drivers of for-hire vehicles display their name on the exterior of their cab and to change the age limit of paying taxicab passengers from 12 years old to five years old.

RECOMMENDATION: That City Council pass the attached proposed ordinance (Attachment 1) on first reading, and set it for public hearing, second reading and final passage on June 15, 2002.

BACKGROUND: Currently, the City Code requires that the owners/drivers of taxicab or for-hire vehicles have their name permanently displayed on the exterior of their vehicle, and a separate identification number placed on the rear and both sides. This requirement was originally designed to allow the public to easily identify the driver who is often the owner of the taxicab. The requirement to have the owner's/driver's name placed on the exterior of the cab is not necessary since the identification numbers serve the same purpose. Therefore, the proposed ordinance eliminates the requirement for the name. This amendment was proposed by the Taxicab Task Force at its April 2, 2002, meeting.

The City Code also requires that the second and any additional taxicab passenger who is 12 years of age or older must pay a fare when riding in a taxi. This age requirement has been in effect since June 1, 2001. Prior to then, the age was set at two years. This amendment was proposed by the Taxicab Task Force at its April 2, 2002, meeting.

DISCUSSION: Display of Owner/Driver Names on Exterior of Taxicab Since the September 11, 2001, terrorist attacks, some people of Arab descent living in the United States have become victims of hate crimes. Owners/drivers of taxicabs and for-hire vehicles in the City are

concerned that they may become victims of a hate crime, or otherwise subjected to unwelcome treatment, if a foreign name is on the exterior of the vehicle.

Most of the taxicabs in Alexandria are owned by the person who drives the cab. The driver owns the taxicab, garages the cab, buys gas and insurance, and obtains all required maintenance on the cab. Because owners/drivers often work late hours and are almost always alone, they can be easy victims. In addition, taxicabs are usually parked on public streets when not in service, and can be an easy target for vandals.

This issue was brought before the Traffic and Parking Board at its May 20, 2002, meeting. The Board approved the staff recommendation by a vote of 6-1.

For the above reasons, staff recommends that the proposed ordinance be adopted amending the City Code to eliminate the requirement that owners/drivers have their names on the outside of their vehicle.

The Taxicab Task Force also supported the request of some taxi companies that language be added to the doors of cabs that would read, "Independent Contractor," or similar words, and that would indicate the status of the cab driver in relation to the company under whose colors the driver is driving. I am not recommending the addition of this language because I feel it is not necessary and may lead to confusion on the part of the public. When the City issues certificates of public convenience to taxi companies (as opposed to the drivers themselves), we are looking to the companies to provide the quality of taxi service that the public has a right to expect. When this does not occur due to driver conduct or behavior, the City looks, in the first instance, to the companies to deal with the consumer and to address and remedy the problem. In other words, the current system is based upon the view that members of the public, when dissatisfied with taxi service, are to bring their concerns directly to the companies (not to the drivers or the City), and that the companies are to deal with the public in resolving these concerns.

The reason for not recommending the addition of the "independent contractor" language suggested by the companies to the doors of taxicabs is that it may confuse consumers by making them believe (i) that drivers are "independent" in every respect of the companies, (ii) that the companies are therefore not responsible for receiving and dealing with consumer complaints, and, consequently, (iii) that consumers are to deal directly with drivers when problems with drivers arise. In addition, placing this language on the door of the cabs is not needed to establish the "independent contractor" status of the drivers. Indeed, most companies have their drivers sign contracts or agreements in which the drivers acknowledge their "independent contractor" status.

For these reasons, I do not recommend adding the "independent contractor" language to the doors of Alexandria taxicabs.

Age Limit of Paying Taxicab Passengers The other amendment is being proposed to keep the age limit of paying passengers consistent with the age limit of the WMATA transit system which also has an age limit of five years. The higher age limit that exists today places an unfair burden on the taxi drivers. Most taxi drivers in Alexandria own their own cabs. As such the driver must pay for all maintenance, as well as the insurance of the vehicle. Additional passengers place more wear and tear on the vehicle and increase the drivers exposure to litigation should the taxi be involved in an accident.. The age limit for paying passengers in Arlington County is seven years old, and the age limit for Fairfax County is 12 years old.

Following its consideration at the Taxicab Task Force, this issue was brought before the Traffic and Parking Board at its May 20, 2002, meeting. The Board approved the staff recommendation by a vote of 6-1. Mr. Lawrence Ruggiero voted against the proposed amendment because he felt that the entire taxi fare structure should be considered together.

For the above reasons, staff recommends that the proposed ordinance be adopted amending the City Code to change the minimum age requirement for paying taxicab passengers to five years.

FISCAL IMPACT: None

ATTACHMENTS:

Attachment 1. Ordinance

STAFF:

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

Douglas McCobb, P.E., Deputy Director, Transportation and Transit Services

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6-15-02

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~~6/11-02~~

Introduction and first reading:	6/11/02
Public hearing:	6/15/02
Second reading and enactment:	6/15/02

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 9-12-95 (INFORMATION TO BE DISPLAYED ON OUTSIDE OF VEHICLE) of Division 4 (EQUIPMENT, MAINTENANCE AND USE OF VEHICLES), and subsection (a)(2) of Section 9-12-132 (AMOUNT OF FARE TO BE CHARGED) of Division 6 (FARES), all of 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 eliminates the requirement that the name of the owner/driver of a taxicab be displayed on the exterior of the vehicle, and provides that children under 5 years of age ride without additional charge. Current law is 12 years.

Sponsor

Staff

Richard J. Baier, Director, Department
of Transportation and Environmental Services
Douglas McCobb, Deputy Director, Department
of Transportation and Environmental Services
Steven L. Rosenberg, Senior Assistant City Attorney

Authority

§ 2.04(g), Alexandria City Charter
§ 15.2-2015, Code of Virginia (1950), as amended
§ 46.2-2062, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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6-15-02

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~~6-11-02~~

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 9-12-95 (INFORMATION TO BE DISPLAYED ON OUTSIDE OF VEHICLE) of Division 4 (EQUIPMENT, MAINTENANCE AND USE OF VEHICLES), and subsection (a)(2) of Section 9-12-132 (AMOUNT OF FARE TO BE CHARGED) of Division 6 (FARES), all of 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 Section 9-12-95 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 9-12-95 Information to be displayed on outside of vehicle.

(a) Every taxicab operated pursuant to this article shall bear on the rear thereof and on each side thereof in lettering at least two and one-half (2 1/2) inches high the word "taxicab" or "cab."

(b) The certificate number of the owner, clearly visible, shall be placed on the rear and on each side of each taxicab.

~~(c) There shall be printed or painted on each side of every taxicab or for-hire vehicle, in letters not less than two (2) inches high, the name of the owner of the vehicle, as the same appears on the certificate and on the records of the state division of motor vehicles. In addition, the~~ The prevailing rates of fare for taxicabs shall be displayed on each side of taxicabs by means of cards or stickers, furnished by the director of finance at a cost of seventy-five cents (\$0.75) per sticker, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(d) For-hire vehicles other than taxicabs shall have the certificate number printed or painted ~~under or near the name of the owner~~ on each side of the for-hire vehicle.

Section 2. That subsection (a)(2) of Section 9-12-132 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

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

(a) The rates to be charged passengers by owners or drivers of taxicabs shall be as follows, and it shall be unlawful for any owner to permit or a driver to make any greater or lesser charge:

(2) For the second and for each additional passenger who is ~~12~~5 years of age or older, \$1.25.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, provided, however, that the changes in subsection (a)(2) of Section 9-12-132 shall not be implemented until July 1, 2002.

KERRY J. DONLEY
Mayor

Introduction:	6/11/02
First Reading:	6/11/02
Publication:	6/13/02
Public Hearing:	6/15/02
Second Reading:	6/15/02
Final Passage:	

N.B. Underlining is not part of the ordinance but denotes language that is new or amended. Strike-outs or dashes are not part of the ordinance, but denote material that is being deleted.

ORDINANCE NO. 4258

AN ORDINANCE to amend and reordain Section 9-12-95 (INFORMATION TO BE DISPLAYED ON OUTSIDE OF VEHICLE) of Division 4 (EQUIPMENT, MAINTENANCE AND USE OF VEHICLES), and subsection (a)(2) of Section 9-12-132 (AMOUNT OF FARE TO BE CHARGED) of Division 6 (FARES), all of 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.

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(b) The certificate number of the owner, clearly visible, shall be placed on the rear and on each side of each taxicab.

(c) The prevailing rates of fare for taxicabs shall be displayed on each side of taxicabs by means of cards or stickers, furnished by the director of finance at a cost of seventy-five cents (\$0.75) per sticker, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(d) For-hire vehicles other than taxicabs shall have the certificate number printed or painted on each side of the for-hire vehicle.

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

(a) The rates to be charged passengers by owners or drivers of taxicabs shall be as follows, and it shall be unlawful for any owner to permit or a driver to make any greater or lesser charge:

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

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, provided, however, that the changes in subsection (a)(2) of Section 9-12-132 shall not be implemented until July 1, 2002.

KERRY J. DONLEY
Mayor

Final Passage: June 15, 2002