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10-16-10

A statement by Bert Ely to the Alexandria City Council

October 16, 2010

Comments on the pending taxicab ordinance

Mr. Mayor and members of Council, I am Bert Ely, an Old Town resident and business owner since 1981. I am here today to speak only as a heavy user of cabs, primarily to go to D.C. on business. While I do not go to D.C. every day, on some days I make two, or even three, round-trips to D.C. by cab.

Almost always, I call for a cab to come to my office at King and Alfred, about 30 minutes before I need it. Occasionally, though, I go out to the street to hail a cab if the radio-dispatched cab has not shown up or if I need a cab on short notice.

For years, I used Yellow Cab, but in the 1990s its dispatch service became highly unreliable, so I switched to the then independently owned Diamond Cab Company. Later, Diamond was taken over by Yellow Cab. Diamond's dispatch service immediately went to hell, so I switched to White Top, the company I use today. The point of this history is to demonstrate the importance of having competing cab companies. Council should not, intentionally or otherwise, shrink the number of independent taxi companies to just one or two or to bar new companies – it is vital to have vigorous taxicab company competition, even if some do not offer 24-7 radio dispatch service.

This brings me to another observation about taxicabs – the lack of cabs during the day cruising the streets or at taxi stands. There are times, and not just when a radio-dispatched cab fails to show up, that people need to go to the street to catch a cab to get to an airport or D.C.

The best way to get a cab in that instance is to hail a passing taxi. I do that all the time in D.C. when returning to Alexandria, and not just from downtown, for I have hailed cabs at Tenley Circle and elsewhere in D.C. Hailing a cab is not as easy in Arlington as in D.C., but it seems easier than in Alexandria, or at least in Old Town.

Interestingly, lots of empty cabs cruise King Street in the evening, to be hailed by patrons leaving local restaurants and bars. Unfortunately, there is not a surfeit of cruising cabs during the day.

Alexandria understandably wants to be attractive to businesses. As in any successful urban business district, and Old Town certainly is urban, there must be ready access to cabs, at taxi stands or cruising the streets. Relying primarily on radio-dispatched cabs during the business day simply is not satisfactory in a business district.

Regarding the taxicab ordinance, I support reducing the minimum dispatch requirement to one dispatch call per driver per day and lowering the dispatch requirement for companies with less than 130 cabs to 16 hours per day. However, I urge Council to retain the annual transfer process so as to provide greater opportunities for cab companies to expand or shrink, based on their ability to attract and retain drivers, for cab drivers – those who actually serve the public – provide a very effective way to discipline poorly managed cab companies.

Those companies which charge excessive stand dues or provide poor dispatch service will lose drivers to better-managed companies, as they should. Accordingly, the ordinance should permit a reduction in a company's number of authorized cabs even it has substantially met, over the prior two years, the required level of dispatch service so as to enable better-managed companies to increase their number of drivers.

Longer term, Council should seek to increase cruising and cab-stand availability of taxicabs during the business day.

Thank you for your time. I welcome your questions.

Good morning Mr. Mayor, Council member's good morning. My name is Ahmad Latif and I am the President of L and Z Transportation, we trade as White Top Cab Company.

I am here this morning to request that you approve the ordinance with the two calls per day. We spent six months on the taskforce, working together to better our industry; the result of our labor, derived from the negotiations is before you. Discussions were open and we all worked hard to reach a reasonable ~~concession~~. CONCESSION.

Everyone had to give up something for us to reach this settlement. It was necessary to tie the two dispatched calls per day to driver transfers to ensure that service to the City did not suffer. Without the two dispatch calls per day, drivers will all go to the company with less stand dues. The reduction of the two dispatch call standard to one call per day makes a mockery of the law— and in the end the City and taxi riders will lose.

White Top has been in business for over ³⁵~~40~~ years and to date we have ~~101~~ 98 cabs, Union has been in business for 3 years and has 227 cabs, the second largest in the City. The current ordinance allowed Union to grow fast with very little service to the City. The new ordinance will allow all companies to grow to the two dispatch calls per day, so that increase in fleet size will be determined by measurable service to the City. Union's campaign to reduce the daily dispatch standard to one call should be rejected and kept at two calls per day so that timely service for all that need taxi service will continue.

This new ordinance will allow each company to focus on improving service to the City. The taxi industry is changing with new technologies that is shaping how we conduct business, today you can access all our services online. You can reserve a cab online, cancel a reservation on line and even check the status of your cab online. This new ordinance will allow all cab companies the peace of mind to focus on taxi business and not worry

about losing drivers or going on probation. We are given the opportunity to operate our companies in return for providing service to the community, the new changes help the taxi industry do what we are supposed to do.

On the issue of potentially changing the definition of a "call" from a dispatched call to include stand, metro or flagged pickups from the city. This would enable companies such as Union Cab to count these as calls instead of dispatched calls-- deterring them from establishing themselves for City service. You may ask how so? Because instead of establishing business and service to the community by promoting dispatched calls, this change in definition would allow Union to be fulfilling the 2 call requirement via stand or metro fares, which by the way is impossible to verify even for the computer based systems. If they complete the requirement this way, more drivers would go to the Union side and there would be fewer drivers servicing dispatched calls. Who would lose in the end? The general public who count on calling in their taxi service for their transportation needs, this includes children, the elderly, and the handicapped. If more drivers focus on stand and metro fares to fulfill this call requirement, not only is business not established but the people who call in for taxis will be left out. Who will fill this void, especially if the other cab companies lose drivers to Union?

It should be mandatory for new companies to fully establish themselves so the City and taxi customers may benefit. Focus should be placed on service to the community when a company is looking to increase their fleet size, not just to increase the fleet size for the sake of more certificates and financial gain.

I thank you for your time.

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10-16-10

SUROVELL MARKLE ISAACS & LEVY PLC

4010 UNIVERSITY DRIVE, SUITE 200
FAIRFAX, VA 22030

TELEPHONE: 703-251-5400
FACSIMILE: 703-591-9285
INTERNET: WWW.SMILLAW.COM

WRITER'S DIRECT DIAL: 703-277-9702
WRITER'S EMAIL: JPETERSEN@SMILLAW.COM

October 12, 2010

ROBERT J. SUROVELL
G. DONALD MARKLE*
DOROTHY M. ISAACS*
DAVID M. LEVY
SCOTT A. SUROVELL*
J. CHAPMAN PETERSEN*†
CORY FREDERICK GORJUP*
JENNIFER B. BAUMGARTNER
MARY ELIZABETH WHITE
JOHN C. BAZAZ
CAMILLE N. ALLAN
JASON E. BRAUN
NATHAN D. ROZSA
JASON F. ZELLMAN
MICHELE L. JOSEPH
KRISTI N. CAHOON KELLY*

OF COUNSEL
DAVID J. FUDALA*

* ALSO ADMITTED IN D.C.
† ALSO ADMITTED IN MD

TELEFAX COVER LETTER

PLEASE IMMEDIATELY DELIVER THE FOLLOWING TO:

**HON. WILLIAM EUILLE
MEMBERS OF CITY COUNCIL
TELEFAX: (703) 838 - 6433**

THIS TELEFAX ORIGINATES FROM: J. Chapman Petersen, Esq.

MATTER: Section 9-12-1 of the City Code relating to Taxi Cab Service in the City of Alexandria

COMMENTS: Please see the attached correspondence from Mr. Petersen. Thank you.

OPERATOR: Emma Boa-Durgammah (703) 277 - 9758

TOTAL PAGES TRANSMITTED (INCLUDING THIS COVER): _____

If you did not receive all of the pages, please call as soon as possible and ask to speak to the operator named. Thank you.

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**SUROVELL MARKLE ISAACS
& LEVY PLC**

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FAIRFAX, VA 22030

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J. CHAPMAN PETERSEN*†
CORY FREDERICK GORIUP*
JENNIFER L. BARNES
MARY E. WHITE
JOHN C. BAZAZ
CAMILLE ALLEN
JASON BRAUN
NATHAN ROZSA
JASON ZELLMAN
KRISTI CAHOON

OF COUNSEL
DAVID J. FUDALA*

* ALSO ADMITTED IN D.C.
† ALSO ADMITTED IN MD

October 12, 2010

by first class mail and facsimile

Hon. William Euille and Members of City Council
c/o City Manager, City of Alexandria
Mr. James K. Hartman
301 King Street
Alexandria, VA 22314

Re: Section 9-12-1 of the City Code relating to
taxicab service in the City of Alexandria.

Dear Mayor Euille and Members of City Council:

I represent L&Z Transportation, Inc., the parent company of Alexandria White Top Cab ("White Top"). I am writing to you on a pending action item which your Council will take up at your meeting on Saturday, October 16th.

The specific issue is a proposed change to the Alexandria City Code regarding taxi service. The proposed Ordinance is attached.

Section 9-12-32 **currently** requires taxicab companies to maintain an average dispatch level of at least **two (2) calls per day**. The City set out that requirement in 2006, when drivers were permitted for the first time to "own" their certificates and transfer companies. The dispatch requirement was put into law as a *quid pro quo* in order to ensure that new, driver-owned companies would still be held to the same service and dispatch requirements as the traditional livery companies.

The new proposal would reduce that requirement to "**one call**" per day. See proposal to Section 9-12-32(c). That Code change would largely gut this Section which

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is the only substantive and measurable day-to-day obligation put on taxicab companies operating in the City.

In support of my client's position, I'd like to provide a background.

History of Certificate Ownership: Prior to 2006, the taxicab certificates in the City were owned by the companies themselves, who had a concomitant obligation to make sure that all citizens and neighborhoods in the City were served. In 2006, the Council changed that model by vesting the certificates with individual drivers, thereby freeing the drivers to select their own company.

In response to this new freedom, Union Taxicab was chartered by the City as a new driver-owned company with an ability to absorb certificates from the existing companies by charging lower monthly stand dues. As a result, the taxicab industry in Alexandria was turned upside-down.

Since 2006, Union Taxicab has grown to 227 certificates, while conventional call-based services like White Top have consistently lost market share. While it's good to see workers buy their own companies, there is something fundamentally unfair about the system. To wit, Union Taxicab is a company whose model is based on minimal (if any) dispatch service. In fact, Union Taxicab has been historically non-compliant with the requirements of Section 9-12-32, a fact which has led to some restrictions but never prevented it from being in business.

Instead, Union Taxicab drivers have simply waited at Reagan National Airport to pick up fares, thereby (i) avoiding the overhead costs from buying dispatch equipment or marketing the service and (ii) providing minimal service to the average City resident. (For what it's worth, this outcome was predicted by White Top and others in 2006, when the City decided to transfer the certificates to the drivers. See my letter from August 15, 2006 and the City Manager's response from September 12, 2006).

History of "Two Call" Standard: When it changed the law, the City enacted the current requirements in Section 9-12-32 to make sure that all taxicab companies were held to the same operational standards for dispatch, including the requirement of "two calls" per day for every fleet vehicle. That standard was specifically selected as being flexible for smaller companies, yet still demanding a minimum of local service for Alexandria residents.

Almost immediately, one company – Columbus Cab – failed to meet the standard and eventually folded. The remaining companies left were White Top, Yellow Cab, King Cab, VIP Cab and Union Taxicab. As stated *infra*, Union Taxicab has had ongoing problems with the system, but remained in business. Since 2008, the City has restricted Union Taxicab from getting new certificates due to its non-compliance with

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the "two call" standard. That restriction is currently the sole check on what would otherwise be an unregulated airport service.

Current Status: Per the City Code, the entire structure of the taxicab industry is in the midst of a bi-annual review. The panel charged with that review has recommended keeping the current standards – and making sure they are enforced. However, the Parking & Traffic Board evidently rejected that recommendation and is now endorsing the evisceration of the very legal protection set by this Council in 2006, when it took the certificates away from the taxicab companies. Again, such a legal change would devastate our companies, since the service would begin a "race to the bottom" that would end with call-based companies going out of business. That is a negative for the average City taxicab consumer, typically older and disabled, who seeks a call-based company to serve their needs.

In summary, our client – along with Diamond Cab – **strongly opposes** the recommendation of the Parking and Traffic Board to eliminate the "two call" dispatch standard currently expressed in Section 9-12-32 of the City Code.

Please call me with any questions at 703-277-9702. Thank you.

Very sincerely yours,



J. Chapman Petersen, Esq.

Jcp/encl.

Copy:

Ahmad Latif, President, Alexandria White Top Cab Company (w/encl.)

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ORDINANCE NO. _____

AN ORDINANCE to amend and reordain certain provisions of Article A (TAXICABS), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, Chapter 12 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the following amendments to the identified sections, as follows:

(New language is underscored, deleted language is ~~stricken~~)

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:

(Intervening sections are unchanged)

(5.1) Dispatch service. A service that receives telephone (text or e-mail) requests for taxi service and wirelessly dispatches those requests to taxicabs in the field. The provision of taxicab service in which requests for service from the general public 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.

(5.2) Dispatch Call. A taxicab trip generated by the customer contacting a central dispatch center and the call being dispatched to one of that company's taxicabs by the dispatch center.

(Intervening sections are unchanged)

(7.1) Driver move. When a driver leaves his existing company to another company that has a vacant authorization. A driver move may take place at any time and has no impact on the number of authorizations held under either company's certificate of public convenience and necessity.

(7.2) Driver transfer. When a driver moves from his existing company to another company through the biennial transfer process set forth in Section 9-12-31(i). For each such driver transfer approved, the number of authorizations held under the original company's certificate of public convenience and necessity shall be reduced by one authorization and the number of authorizations held under the new company's certificate of public convenience and necessity shall be increased by one authorization.

1 (Intervening sections are unchanged)

2
3 **Sec. 9-12-30 Amending certificates of public convenience and necessity.**

4 (a) The number of taxicabs authorized by a certificate may be amended once every two years
5 ~~a year~~ during the annual biennial review of the industry and the following procedures shall apply:

6 (1) A certificate holder may apply for an amendment to the number of vehicles authorized by
7 the certificate, no later than August 1 of each year in which a review is conducted, on the form
8 provided by the city manager.

9 (2) An owner whose vehicle is has been affiliated with one certificate holder for not less than
10 two years may apply not more frequently than once during a year in which a review is conducted,
11 on the form provided by the city manager, to have that affiliation transferred to a different
12 certificate holder. Any such application shall be submitted to the city manager no later than
13 November 15 of each that year. All applications from eligible owners will be approved in order
14 of seniority, subject to the net authorization loss limitations set forth in section 9-12-31(c) herein.
15 Notwithstanding the foregoing, no owner shall be denied his or her application for a transfer
16 pursuant to this section more than two consecutive years review cycles, regardless of whether or
17 not granting such an application results in the limit set forth in section 9-12-31(c) being exceeded
18 by application of this policy. In the event the application of this policy results in the net reduction
19 of more than the limit set forth in section 9-12-31(c) of any taxicab company's authorized
20 vehicles, the city manager shall have the authority to grant the impacted taxicab company such
21 additional authorized vehicles as to allow the company to only suffer a net reduction in
22 authorized vehicles equal to the limit set forth in section 9-12-31(c), upon a finding that such a
23 grant will be in the public convenience and necessity including, without limitation, promoting
24 high quality dispatch and customer service. Each such application shall be signed by the
25 prospective certificate holder, certifying acceptance of the owner if the transfer of affiliation is
26 approved.

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

30
31 (Intervening sections remain unchanged)

32
33 **Sec. 9-12-31 ~~Annual~~ Biennial review of taxi industry.**

34 (a) Between September 1 and November 15 of 2010, and during the same period every two
35 years thereafter each year, the board and city manager shall conduct a review of the taxicab
36 industry in Alexandria. The board shall conduct a public hearing, after giving reasonable notice
37 to all applicants, existing certificate holders and the public. The board shall receive comment as
38 to the economic condition of the taxicab industry, the adequacy of public service rendered by the
39 industry, and whether any changes to the regulation of the industry are necessary or desirable,
40 including changes to the number of taxicabs authorized for each taxicab company holding a valid
41 certificate.

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

44 (c) In reviewing applications to renew certificates of public convenience and necessity, the
45 board and city manager shall consider the certificate holder's record of compliance with section
46 9-12-32, and shall establish the maximum and minimum number of vehicles that may be

1 affiliated with each certificate holder, as follows:

2 (1) the minimum number of authorized taxicabs for each certificate holder shall not be fewer
 3 than ~~1) during the first year after the effective date of this ordinance, 10 percent less than the~~
 4 ~~number then authorized; 2) during the second and third years after the effective date of this~~
 5 ~~article, 15 percent less than the number then authorized, except by operation of section 9-12-~~
 6 ~~30(a)(2); and 3) during the fourth year after the effective date of this article and thereafter, 10~~
 7 percent less than the number ~~then~~ authorized at the time of the biennial review, except by
 8 operation of section 9-12-30(a)(2). Notwithstanding the foregoing, the minimum number of
 9 authorized taxicabs for any company that has substantially met (the level of dispatch service
 10 required under this Code for the intervening two years since the prior review shall not be reduced
 11 below the number of authorizations allowed in the prior review.

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

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

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

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

24 (2) changes in the number of trips actually served by taxicabs for each existing company;

25 (3) the ability of current drivers to earn a living wage;

26 (4) a demonstrated commitment to specifically serve the needs of the elderly and/or disabled
 27 community;

28 (5) the dispatch levels attained during the two year period immediately preceding the biennial
 29 review, so that no company shall be granted more authorizations than supported by its actual
 30 dispatch performance for the prior two year period; and

31 (6) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

32
 33 (Intervening sections remain unchanged)

34
 35 (g) ~~Every second year, starting in 2005, the annual~~ The biennial review of the taxicab
 36 industry shall also include a review of the fares and industry fees, including a review of the base
 37 fare, permitted additional charges and all fees charged to and by the certificate holders, owners
 38 and drivers. The public hearing before the board shall include comments on such fares, charges
 39 and fees and any recommended changes thereof. The board shall forward its conclusions,
 40 recommendations and findings of fact as to such fares, charges and fees as part of its report
 41 pursuant to subsection (f) of this section. In reviewing such fares, charges and fees, the board and
 42 city manager shall, without limitation, take the following factors into consideration:

43 (1) driver income compared to the City of Alexandria adopted living wage;

44 (2) cost of industry related regulatory and enforcement expenditures; and

45 (3) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

46 (h) Not later than December 15 of the year in which the biennial review is conducted, the city

1 manager shall issue an order stating the manager's findings and conclusions as to the economic
 2 condition of the taxicab industry and determinations as to any pending applications or proposals
 3 under section 9-12-30. In issuing his order, the city manager shall presume that the factual
 4 findings of the board are prima facie correct. If the manager disagrees with any of the
 5 recommendations of the board the manager shall, with the issuance of the order, enumerate the
 6 reasons for not accepting such recommendations. The order of the city manager may be used by
 7 him in determining the public convenience and necessity under the provisions of this article.

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

13 (1) the individual and cumulative effect of the transfer on the transferee and transferor
 14 certificate holders, including, without limitation, the following factors:

15 (A) no transfers will be allowed to a transferee certificate holder that would put that
 16 company out of compliance with the dispatch requirements set forth in Section 9-12-32(c)
 17 herein, based upon its demonstrated dispatch service levels for the two year period
 18 immediately preceding the review;

19 (B) in order to be eligible to transfer pursuant to this section, drivers seeking to transfer
 20 from certificate holders that were in compliance with the dispatch requirements set forth
 21 in Section 9-12-32(c) for the two year period immediately preceding the review must
 22 have been in compliance with the driver dispatch service requirement set forth in Section
 23 9-12-57(n) for the same period. This restriction shall not apply to drivers seeking to
 24 transfer from certificate holders that were not in compliance with the dispatch
 25 requirements set forth in Section 9-12-32(c) for the two year period immediately
 26 preceding the review.

27 (C) no transfers will allowed to certificate holders that were not in compliance with the
 28 dispatch requirements set forth in Section 9-12-32(c) for the two year period immediately
 29 preceding the review.

30 (D) The net impact on any certificate of all transfers allowed during any single biennial
 31 review process shall not reduce the size of any certificate holder by more than 5 percent
 32 of the number of authorizations held at the time of the biennial review, nor may it
 33 increase the size of any certificate holder by more than 20 percent of the number of
 34 authorizations held at the time of the biennial review.

35
 36 (Intervening sections remain unchanged)

37
 38 Sec. 9-12-32 Requirements for certificate holders.

39 Each certificate holder shall:

40 (a) provide 24-hour service;

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

43 (1) dispatch must be provided 24 hours a day, seven days a week;

44 (2) if less than ~~100~~ 130 taxicabs are authorized under the certificate, dispatch may be
 45 provided ~~18~~ not less than 16 hours a day, seven days a week ~~until one year following July 1,~~
 46 ~~2005, after which dispatch must be provided as set out in paragraph (1);~~

1 (3) if the certificate has been issued for less than one year, dispatch may be provided not less
 2 than 16 18 hours a day, seven days a week until one year following the date of issuance, after
 3 which dispatch must be provided as set out in paragraph (1) or (2), depending on the size of the
 4 certificate holder;

5 (c) provide the minimum level of service for dispatch and call response time as prescribed by
 6 regulation; however, in no circumstance may regulation set an average dispatch call volume
 7 equaling less than ~~two~~ one dispatch call per driver per day. Dispatch service requirements shall
 8 be calculated based the total number of dispatch calls served by the certificate holder during the
 9 time period reviewed by City staff.

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

11 (e) have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of 50
 12 percent of the total number of taxicabs authorized under this article. This limitation may be
 13 modified by the city manager upon a finding that the public convenience and necessity will be
 14 served by such a modification.

15 (f) provide a minimum of one vehicle, or one % of the vehicles authorized under the
 16 certificate, whichever is greater, for ADA compliant handicap accessible transportation, and
 17 every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it is to
 18 be used for a handicap accessible vehicle only. Each certificate holder has an affirmative
 19 obligation to make such ADA complaint vehicles available during the hours in which it provides
 20 dispatch service for dispatch to a qualified handicapped passenger in the event not less than 2
 21 hours notice is provided by the passenger;

22
 23 (Intervening sections remain unchanged)

24
 25 (t) all certificate holders shall accept major credit cards as payment for fares in excess of
 26 \$10, even when operating outside the City of Alexandria. The City Manager, in implementing
 27 the fees allowed for taxicabs pursuant to this chapter, may allow an appropriate surcharge for
 28 credit card use to be imposed on passengers.

29 (Ord. No. 4402, 6/14/05, Sec. 1)

30
 31 Sec. 9-12-34 Authorizations not in use.

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

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

39 (c) If a driver affiliated with any certificate holder that is not in compliance with the dispatch
 40 service requirements set forth in Section 9-12-32(c) elects to leave the industry, the authorization
 41 affiliated with that driver shall be terminated upon the driver's departure from the industry and
 42 revert to the City.

43
 44 (Intervening sections remain unchanged)

45
 46

1 Sec. 9-12-58 Temporary suspension of permits and civil penalties.

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

- 4 (1) any violation of section 9-12-56;
5 (2) any violation of section 9-12-57; or
6 (3) any violation of section 9-12-60.

7 (b) In addition to the foregoing, any driver who violates sections 9-12-56, 9-12-57 or 9-12-60
8 shall be guilty of a class ~~two~~ five civil violation. The hack inspector shall have the authority to
9 assess the civil penalties set forth for such violations in City Code Section 1-1-11 and shall
10 coordinate with the office of the City Attorney to determine when suspensions, civil penalties or
11 a combination of both shall be imposed.

12
13 Sec. 9-12-59 Appeal from temporary suspension.

14 Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-12-
15 58, the driver may appeal to the board, by filing a written notice of appeal with the hack
16 inspector, within five days after being notified of his suspension. The hack inspector shall
17 thereupon schedule, within a reasonable time, a hearing before the board. Notice of such hearing
18 shall be given the applicant at least five days before the hearing. Any suspension shall be stayed
19 pending the hearing before and decision of the board. The board shall have authority to affirm,
20 reverse or modify the suspension appealed from. The action of the board shall be final and there
21 shall be no rehearing. There shall be no appeal to the Traffic & Parking Board from the
22 imposition of a civil penalty not accompanied by a suspension, but civil penalties not
23 accompanied by a suspension may be contested in the manner set forth in City Code 1-1-11(c)(3).

24
25 Sec. 9-12-60 Suspension and revocation of permits by the board.

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

29
30 (Intervening sections remain unchanged)

31
32 (13) repeated or egregious rude or discourteous conduct towards a passenger, City official or
33 member of the public; or

34
35 (Intervening sections remain unchanged)

36
37 Sec. 9-12-81 Requirements for vehicles.

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

40
41 (Intervening sections remain unchanged)

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

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

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

SUROVELL MARKLE ISAACS & LEVY PLC

4010 UNIVERSITY DRIVE, SUITE 200
FAIRFAX, VA 22030

TELEPHONE: 703-251-5400
FACSIMILE: 703-591-9285
INTERNET: WWW.SMILLAW.COM

WRITER'S DIRECT DIAL: 703-277-9702
WRITER'S EMAIL: JPETERSEN@SMILLAW.COM

ROBERT J. SUROVELL
G. DONALD MARKLE*
DOROTHY M. ISAACS*
DAVID M. LEVY
SCOTT A. SUROVELL*
J. CHAPMAN PETERSEN**†
CORY FREDERICK GORIUP*
JENNIFER L. BARNES
APRIL A. BALLOU
MARY E. WHITE
JOHN C. BAZAZ

OF COUNSEL
DAVID J. FUDALA*

* ALSO ADMITTED IN D.C.

† ALSO ADMITTED IN MD

August 15, 2006

by first class mail

City Manager, City of Alexandria
Mr. James K. Hartman
301 King Street
Alexandria, VA 22314

Re: Application of Union Taxicab Cooperative for Seventy
(70) Certificates of Convenience and Necessity

Dear Mr. Hartman:

I represent L&Z Transportation, Inc., the parent company of Alexandria White Top Cab. We attended the meeting last night of the City's Parking and Traffic Board to speak against the above application by the Union Taxicab Cooperative. Despite our opposition, the staff recommended – and the Commission agreed – to permit the creation of a new taxicab company with forty (40) certificates.

As we stated at the hearing, the financing and business plan of the new company are tenuous at best. There are no real funds set aside for marketing the business or installing quality dispatch technology to serve City residents (the ostensible legal reason for granting the application). The applicant made no attempt to supplement its information at the hearing, and the City staff did not require it.

It is plain that the new company will simply be another "airport" service, which relies exclusively on National Airport for its driver revenue. This result reinforces the "two tier" system in Alexandria, whereby certain companies make the necessary investments to create a full-service taxicab company, while others do less than the minimum and their drivers spend all their time at the Airport.

The City was supposed to crack down on this with the "minimum two calls per day" ordinance passed in 2005. See Section 9-12-32 (subsection c) of the City Code.

SUROVELL MARKLE ISAACS & LEVY PLC
Letter to Alexandria City Manager
August 15, 2006
Page 2

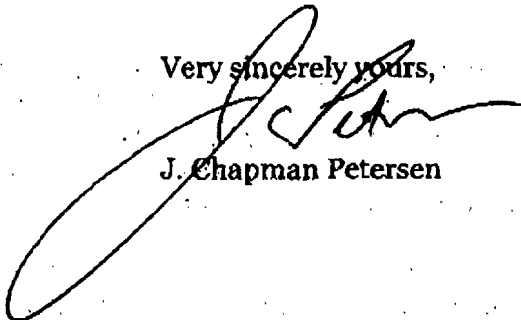
That section requires each taxicab company to demonstrate an "average dispatch call volume equaling at least two dispatch calls per day."

Unfortunately, there is no evidence that the City staff is verifying whether or not Alexandria companies comply with this law. As a result, companies like Diamond and White Top absorb large capital costs for dispatch service, while smaller companies avoid the cost and sign up drivers for reduced weekly dues.

White Top recognizes that you will likely accept the recommendation of the staff and Parking Board in permitting the Union Taxicab Cooperative to start with forty (40) certificates. However, it strongly requests that the City Manager – who is required to make an annual review of the taxi industry under Section 9-12-31 – perform a true and complete **dispatch audit** of the companies during his annual review to ensure that all companies are complying with City Code and the "two calls" standard. Otherwise, companies that follow the law will eventually be forced out of business by the cut-rate competition.

Please call me with any questions. Thank you.

Very sincerely yours,



J. Chapman Petersen

jcp

copy: Mr. Ahmad Latif, President of L&Z Transportation, Inc.
Honorable Mayor and Members of City Council



RECEIVED SEP 18 2006

OFFICE OF THE CITY MANAGER

301 King Street, Suite 3500
Alexandria, Virginia 22314-3211

JAMES K. HARTMANN

City Manager

September 12, 2006

(703) 838-4300

Fax: (703) 838-6343

J. Chapman Petersen
Surovell Markle Issacs & Levy
4010 University Drive
Fairfax, VA 22030

Re: Application by Union Taxicab Cooperative for a Certificate of Public
Convenience and Necessity

Dear Mr. Petersen:

This is in response to your August 15, 2006, letter concerning the subject application for a certificate of public convenience and necessity.

I want to thank you and your client for sharing your views on this application both before and at the public hearing. Although the Traffic and Parking Board did not ultimately agree with your position that this application should be denied, your comments and those of your colleagues were appreciated and, I believe, carefully considered as the Board sought to balance competing interests on this issue.

Although a final determination has not yet been made regarding this application, your letter raises several points that I would like to respond to.

First, concerning the applicant's dispatch and marketing plans, I understand both staff and the Board found this application meets Alexandria's current code requirements. Although these plans may not satisfy your definition of "real funds" or "quality dispatch technology," I believe you will agree that our code-specified requirements are the proper basis for a decision in this matter. For more information on the applicant's marketing plan, budget and personnel, I call your attention to Union Taxicab's supplemental application materials. These were submitted at staff request and available to the Board and public prior to the hearing.

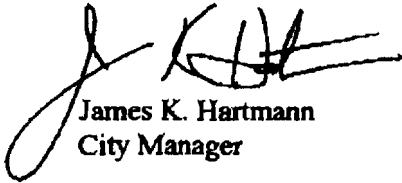
Second, I am not aware of any evidence indicating the proposed company will "simply be another 'airport' service" and not provide dispatch service in Alexandria. In fact, after the first year of operation, new companies are required to demonstrate compliance with the same dispatch service standards that apply to all existing companies or face the same consequences. If you have any specific information that indicates otherwise, I would appreciate receiving that information.

J. Chapman Petersen
September 12, 2006
Page 2

Third and finally, staff is aware of the dispatch service standards established by the City's revised taxi regulations, as well as the related one-year transition period that was intended to provide companies reasonable opportunity to develop sufficient dispatch service demand to meet these standards. As this transition period is now over, each taxicab company operating in Alexandria will be specifically reviewed based on these dispatch service standards as part of the City's annual review of the taxicab industry that will be completed this fall.

Thank you again for sharing your views on this particular matter. Please contact Tom Culpepper at (703) 838-4966 or me if you have questions or need additional information.

Sincerely,



James K. Hartmann
City Manager

cc: The Honorable Mayor and Members of City Council
Ahmad Latif, L&Z Transportation
Tom Culpepper, T&ES
Chris Spera, City Attorney's Office
Monte Rosson, Hack Inspector's Office

October 14, 2010

Mr. Mayor and Honorable Members of City Council,

The current Taxicab ordinance, adopted in 2005, has demonstrated it has had an adverse impact on Alexandria's taxicab companies' ability to adequately meet the needs of the public either, by a taxicab company having difficulty retaining a sufficient number of vehicle authorization and qualified drivers to service dispatch calls within the prescribed 'call response time' or, by a taxicab company not achieving the metric set by the City of servicing two dispatch calls per driver per day which is what the City uses to compare companies with one another and how the company currently demonstrates that it is worthy of their certificate of public convenience and necessity.

Although drivers have always had the freedom to change company affiliation to fill a vacant vehicle authorization, the 2005 ordinance did much to address other taxicab driver complaints. It codified a dispute resolution process between a company and a driver and established a means by which a driver could "transfer companies" by allowing a driver to remove a vehicle authorization from the company he/she held affiliation with to a different company. It is the frequency and the quantity of vehicle authorization transfers that has caused problems for dispatch and non-dispatch compliant companies.

In addition, the total of vehicle authorizations has grown by 85 since 2005, through the issuance of 40 'temporary' authorization used to create Union Cab and backfill authorizations given to companies that suffered excess losses due to an annual authorization transfer process. This increase of the total vehicle authorizations makes it difficult for individual drivers to earn a reasonable wage.

The revisions proposed are for the most part¹ a product of a series of Work Group meetings involving the owners and/or general managers of Alexandria's taxicab companies (Go-Green, Union, VIP, King, White Top, Yellow), two members of the Board, and members of City staff. Seven meetings were held beginning November 2009 through April 2010². During the Work Group meetings it was stated several times that the taxicab industry was having a quiet period where the city is being served; the owners wanted to right the punitiveness of the current code; the companies providing dispatch service must continue to be viable in order to serve the short-haul trip, the seniors, and the disabled community. But the 'penalty box' experienced by non-dispatch compliant companies was not a good situation for it meant they were in danger of being dissolved. The members asked, "Where do we put the fence to protect the dispatch compliant companies?" "How do we create a floor in which a compliant company could remain compliant?" "How could we allow smaller companies grow?"

¹ Sec 9-12-58 (3) (b) is made at the direct suggestion of numerous taxicab drivers over the past two years who during testimony appealing a suspension, requested implementing a means to issue a ticket as a less punitive way of resolving what they considered to be a minor infraction.

² Attachment A dated April 26, 2010 is a Summary of the Work Group meetings.

Expectation of this workgroup:

A company owner workgroup – City mgr wants recommendations from owners for change that serves the city, provides a healthy industry.

“What brought us here now is, we’re having a quiet period where the city is being served and we want to right the punitiveness of the current code.” Rick Vogel

It is the City’s responsibility to regulate the taxicab industry to ensure citizens, especially short haul trip customers, have access to good service. Dispatch companies must be preserved.

City has authorized 729 taxicab vehicle permits; 18 are grandfathered. There are over 1000 driver permits issued.

Company owners and cab drivers believe the City has issued too many vehicle authorizations. If it were not for National Airport, the City would need only a fraction of the taxicabs vehicles now authorized.

Section 9-12-32-(c) places those companies not in compliance with 2 dispatched calls per driver/day into a ‘penalty box’ and in danger of having the Certificate of Public Necessity and Convenience revoked.

Not all companies receive enough dispatch center calls to meet requirement of 2 dispatched calls per driver/day.

Yellow receives 2500- 2600 calls per day; 2000 calls on a slow day. Drivers in Yellow’s fleet on average will initially refuse up to 200 calls/day. We get the calls covered and discipline the drivers.

As a company owner there are fixed costs that increase as more drivers are added to the fleet. Stand dues cover these costs. Dispatch companies continue to loose drivers to companies w/ low stand dues. A company cannot project revenues to meet their costs and reinvest if they continue to loose Vehicle Authorizations at the rate they’ve been since Union Cab was organized.

Providing 24 hr dispatch service is difficult when a company has fewer than a certain number of vehicle permits. All agreed that a company with fewer than 130 vehicles could provide 16 hours of dispatch service.

Drivers gravitate to companies with the lowest stand dues.

Current ordinance shifted the power to taxicab drivers without the drivers bearing requirement burdens of 2 calls/driver/day companies must meet to retain Certificate of Public Necessity and Convenience and same number of vehicle authorizations. Driver accountability can be part of the solution. The window of movement is dependant on them helping the company in complying with the ordinance.

Problem with setting a ‘cap’ on vehicle authorizations: Companies would not be able to grow. (Unless T&PB were to redistribute authorizations according to dispatch service)

¹ Summary of Work Group meeting notes taken by myself and presented April 26th for consideration by members present.

All but one representative (Union) said that their company had been adversely affected by a loss of vehicle authorizations through driver transfers to a new taxicab company. Work Group members said that drivers want vehicle transfer mobility because drivers prefer to work for the company with the lowest stand dues, and the annual transfer of vehicle authorizations has made it difficult for their company to meet dispatch call during some hours, adequately project income revenues, and invest in products or services to better serve the public.

Taxicab owners discussed reward and discipline practices employed to provide dispatch service and expressed belief drivers should share more in meeting dispatch requirements.

Taxicab owners explained how the GPS dispatch system works. The Work Group explored several ideas for how to reliably count fares generated from a taxi stand or 'personals' - calls made directly to the driver. None resulted in a means for a reliable accounting or would not involve tremendous effort by City staff to verify. Staff shuddered at the thought of duplicating a recent effort to verify VIP's fleet records (63 vehicle authorizations) to account for a total industry fleet involving 728 vehicles.

I believe that the Taxicab Owners Work Group recommendations balance as best as can, the needs of the public with needs of the Taxicab Industry by:

- Allowing companies currently in non-compliance to remain in operation.
- Reducing the burden on companies with 130 or fewer vehicle authorization to provide 24 hour dispatch service. (Sec 9-12-1(5.1))
- Broadening the definition of 'Dispatch Service' to include electronic requests for service. (Email and Text messages) Sec 9-12-34 (c))
- Reducing the frequency of vehicle transfers shown detrimental to the Taxicab Industry's health. (Sec 9-12-30)
- Rewarding drivers who contribute toward providing dispatch service.
- Creating an incentive for companies to increase dispatch volumes.
- Implementing a fixed fine for a drivers' minor infractions. (Sec 9-12-58 (b))
- Improving the City's ability to adjust the number of vehicle certificates in circulation. (Sec 9-12-31(d)(4) and (5); Sec 9-12-34 (c))
- Leaving intact the dispute resolution processes created in the 2005 ordinance.

Personally, if I were to request changes it would be to include more definitions under Sec 9-12-1 such as; Driver Affiliation, Probation, Revocation, Suspension, Vehicle Authorization, in hope that it would make the confusing legal language of the ordinance more understandable to owners and drivers.

But this was not the focus of the owners meetings.

In closing, I hope you will adopt an ordinance with performance levels no less than proposed by the Taxicab Owners Work Group.

Sincerely,

Amy Slack
Traffic & Parking Board
Taxicab Owners Work Group



RECEIVED

OCT 14 2010

11(ee)
10-16-10

Serving Northern Virginia Since 1953

October 13, 2010

Mayor William D. Euille
301 King St., Room 2300
Alexandria, VA 22314

Dear Mayor Euille,

Thank you again for taking the time to meet with us to discuss the proposed changes to the taxi code. I understand how valuable your time is and am very appreciative that you are making this issue a priority, as it is so important to so many of the citizens of Alexandria. I want to re-iterate our desire to continue to provide first class service to the community. We are committed to investing in the equipment and personnel necessary to be one of the leaders in the industry on a national level, and a feather in the cap of the city of Alexandria.

As you prepare for the public hearing on Saturday, there are three central points of contention that will have a major impact on the future of reliable taxi service in the city of Alexandria, namely: Driver Mobility, Number of Dispatch Calls per Driver per Day, and a Set Minimum Number of Certificates each company is allotted in order to service the community.

Driver Mobility:

While there is discussion surrounding the regression of the rights the drivers fought so hard for in 2005, the reality is that the only thing that has regressed is the level of service provided in the city. Drivers have the right to leave any company whenever they choose to do so. Even with the regulation that prohibited driver transfers to non-compliant companies in 2008 in place, Yellow Cab alone has had over one hundred drivers exercise their rights to leave the company. They simply have not been able to take our ability to properly service the city of Alexandria with them to non-compliant companies, nor should they be able to in the future.

Number of Dispatch Calls per Driver per Day:

After months of give and take amongst representatives from each company, the drivers, and the city, all parties agreed that it would be in the best interests of the city to set the minimum number of dispatch calls per driver per day at two. At the eleventh hour, and without input from the group as whole, the Traffic and Parking Board decided to reduce the minimum number of required dispatch calls per driver per day to one. Under this proposed change, Yellow Cab could theoretically service only 288 of our most profitable trips, while leaving all of our short trip customers to fend for themselves, *while remaining compliant*. Setting the minimum at only one dispatch call per driver per day defeats the purpose of setting a minimum at all. In that non-compliant companies are no longer in danger of being closed for non-compliance, this regulation should be a measuring stick to encourage better service to the community, and setting the minimum at one would

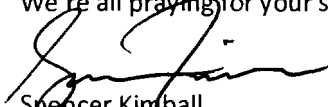
only reinforce the notion that there should be no accountability for drivers in regards to service standards in Alexandria.

Minimum Number of Certificates per Company

The single most significant issue in regards to maintaining reliable dispatch service in the proposed code changes is the matter of whether or not compliant companies will be able to maintain a minimum number of certificates with which to service the community, regardless of how many transfer requests are submitted. As you have experienced too many times already, our response time has suffered as of late. This is a direct result of not having enough certificates with which to service the increasing demand of our customers. Protecting at minimum the number of certificates we currently hold will at the very least allow us to maintain our current level of service. We feel strongly that certificates of public necessity and convenience should be granted to companies in direct proportion to the level of service they provide. For reliable taxi service to continue and ultimately improve, the upcoming code changes must shift the focus back onto the effect they will have on the consumer, as opposed to how they will affect the drivers or the companies.

Thank you again for being so generous with your time. I look forward to working with you in the future.

We're all praying for your swift recovery,



Spencer Kinball
CEO
Alexandria Yellow Cab

11
10-16-10

Area Stand Rent & Driver Services Comparison

Alexandria Yellow Cab Exhibit 1

	ALEXANDRIA					ARLINGTON				FAIRFAX					
	Alexandria Yellow Cab	Alexandria White Top	Alexandria King Cab	Alexandria VIP Cab	Alexandria Union Cab	Arlington Blue Top	Arlington Yellow Cab	Arlington Red Top	Arlington Envirocab	Falls Church Yellow	Fairfax Yellow Cab	Springfield Yellow Cab	Reston Herndon Taxi	South Alexandria Yellow Cab	Fairfax White Top
	6.2	2.3	1.7	1.7	0.1	3.83	4.12	13.52	3.66	N/A	N/A	N/A	N/A	N/A	N/A
	Average Calls Per Driver Per Day ¹					Average Calls Per Driver Per Day ¹				Average Calls Per Driver Per Day ¹					
Dispatch Fees															
<i>Own Vehicle</i>	\$200 <small>Dispatch discount offered to incentivize service to the city.</small>	\$75 - \$100	\$60	\$65	\$45	\$176 <small>Prior to 2006 stand dues were \$156.</small>	\$145	\$265	\$235	\$245	\$245	\$230	\$230	\$230	\$140
<i>Rent Vehicle</i>	- <small>Per week.</small>	- <small>Per week.</small>	- <small>Per week.</small>	- <small>Per week.</small>	- <small>Per week.</small>	\$516 <small>Per week.</small>	\$510 <small>Per week.</small>	\$588-\$672 <small>Per week.</small>	- <small>Per week.</small>	\$590-\$650 <small>Per week.</small>	\$590-\$650 <small>Per week.</small>	\$580 <small>Per week.</small>	\$580 <small>Per week.</small>	\$580 <small>Per week.</small>	\$425 <small>Per week.</small>
Services Offered															
<i>Dispatch</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<i>Computer Dispatch</i>	Y	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
<i>24/7 Driver Support</i>	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<i>Text Message Order</i>	Y	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
<i>Customer Text Message Alerts</i>	Y	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
<i>Online Ordering</i>	Y	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
<i>SmartPhone App Ordering</i>	Y	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
<i>BackSeat Payment Device</i>	Y	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
<i>Taxi Magic</i>	Y	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
<i>Online Advertising (Google, Yahoo, & Yellow Pages)</i>	Y	N	N	N	N	Y	N	N	N	N	N	Y	Y	Y	N
<i>Phonebook Advertising</i>	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y

¹ Figures are from the most recent annual reviews. Alexandria's last Annual Review was November 2008. Arlington's last review was September 2010. Fairfax was not available at the time of print.

NATIONAL AVERAGE

The national average for driver owned vehicles, according to the TLPA 2010 Fact Book, is **\$328 per week**.

The national average for renters, according to the TLPA 2010 Fact Book, is **\$538 per week**.

Alexandria Yellow Cab Exhibit #2

Communications Manager

Channel Status & Form Download | Interview | Fleet Stats | Fleet Comms | Phone Stats | Vehicle Tracking | **Vehicle Search** | TimeZone Settings

Start Date: 10/15/2010 12:06:06 PM Stop Date: 10/15/2010 1:06:06 PM Vehicle: 165 Search Stop Clear

Ch	Time	Veh	Msg	Input	Modulo	RT	Ack	Serial	Meter	X	Y	# Sat	Record
ii	10/15/2010 13:06:04	165	Ext Numeric Reg	4684	0	0	0	0	0	-77.08198	38.80767	7	1503093
ii	10/15/2010 13:04:10	165	Delivered	0	878	0	3	0	0	-77.08205	38.80677	7	1502884
ii	10/15/2010 13:04:08	165	Delivered	0	877	0	2	0	0	-77.08205	38.80677	7	1502877
ii	10/15/2010 13:04:05	165	Powerup	5252	0	1	1	0	0	-77.08205	38.80677	7	1502870
ii	10/15/2010 13:04:01	165	MDTEvent 25	1006	0	0	0	0	0	-77.08205	38.80677	7	1502862
ii	10/15/2010 13:03:01	165	MDTEvent 25	2013	0	1	1	0	0	-77.08206	38.80677	7	1502760
ii	10/15/2010 13:02:30	165	Meter	309	0	0	0	0	0	-77.08377	38.8069	7	1502719
ii	10/15/2010 13:01:44	165	Meter	0	0	0	3	0	1	-77.08736	38.80777	7	1502659
ii	10/15/2010 13:01:37	165	Meter	309	0	1	2	0	0	-77.08762	38.80822	7	1502653
ii	10/15/2010 13:00:47	165	Meter	0	0	0	1	0	1	-77.08884	38.80995	7	1502590
ii	10/15/2010 13:00:19	165	Meter	343	0	0	0	0	0	-77.08927	38.81339	7	1502551
ii	10/15/2010 12:59:14	165	Meter	0	0	0	3	0	1	-77.0894	38.81921	7	1502477
ii	10/15/2010 12:59:02	165	Meter	343	0	1	2	0	0	-77.08915	38.82133	7	1502463
ii	10/15/2010 12:58:27	165	Meter	0	0	0	1	0	1	-77.08855	38.82634	7	1502416
ii	10/15/2010 12:58:14	165	Meter	309	0	0	0	0	0	-77.08817	38.82722	7	1502394
ii	10/15/2010 12:56:32	165	Meter	0	0	0	3	0	1	-77.08838	38.82751	7	1502276
ii	10/15/2010 12:56:03	165	Meter	309	0	0	2	0	0	-77.08854	38.82764	7	1502234
ii	10/15/2010 12:55:27	165	Meter	0	0	0	1	0	1	-77.09073	38.82935	7	1502194
ii	10/15/2010 12:55:03	165	Meter	309	0	0	0	0	0	-77.09071	38.82935	7	1502156
ii	10/15/2010 12:54:14	165	Meter	0	0	0	3	0	1	-77.09321	38.83129	7	1502079
ii	10/15/2010 12:53:49	165	Meter	275	0	0	2	0	0	-77.09485	38.83215	7	1502055

Alexandria Yellow Cab Exhibit #2

ii	10/15/2010 12:53:12	165	Delivered	0	671	0	1	0	1	-77.09492	38.83209	7	1501982
ii	10/15/2010 12:53:11	165	Update	0	0	0	0	0	1	-77.09492	38.83209	7	1501981
ii	10/15/2010 12:53:04	165	Meter	0	0	0	3	0	1	-77.09492	38.83209	7	1501970
ii	10/15/2010 12:52:56	165	Delivered	0	663	0	2	96	0	-77.09491	38.8321	7	1501958
ii	10/15/2010 12:52:54	165	Book	0	0	0	1	0	0	-77.09491	38.8321	7	1501955
ii	10/15/2010 12:52:47	165	Meter	275	0	0	0	0	0	-77.09491	38.83208	7	1501943
ii	10/15/2010 12:52:40	165	Meter	0	0	0	3	0	1	-77.09667	38.83271	7	1501925
ii	10/15/2010 12:52:39	165	Meter	309	0	0	2	0	0	-77.09725	38.8328	7	1501923
ii	10/15/2010 12:51:47	165	Meter	0	0	0	1	0	1	-77.10076	38.83247	7	1501834
ii	10/15/2010 12:51:33	165	Meter	377	0	0	0	0	0	-77.10312	38.83264	7	1501809
ii	10/15/2010 12:50:23	165	Meter	0	0	0	3	0	1	-77.11074	38.82877	7	1501706
ii	10/15/2010 12:49:47	165	Meter	377	0	0	2	0	0	-77.10889	38.82642	7	1501669
ii	10/15/2010 12:48:43	165	Meter	0	0	0	1	0	1	-77.09972	38.82269	7	1501575
ii	10/15/2010 12:48:32	165	Meter	343	0	0	0	0	0	-77.09778	38.82195	7	1501557
ii	10/15/2010 12:47:45	165	Meter	0	0	0	3	0	1	-77.09109	38.81776	7	1501522
ii	10/15/2010 12:47:39	165	Meter	343	0	0	2	0	0	-77.09021	38.81754	7	1501512
ii	10/15/2010 12:46:52	165	Meter	0	0	0	1	0	1	-77.089	38.81203	7	1501454
ii	10/15/2010 12:46:45	165	Meter	309	0	0	0	0	0	-77.08887	38.81108	7	1501445
ii	10/15/2010 12:46:14	165	Meter	0	0	0	3	0	1	-77.08756	38.80839	7	1501412
ii	10/15/2010 12:46:08	165	Meter	275	0	0	2	0	0	-77.0871	38.8083	7	1501402
ii	10/15/2010 12:45:42	165	Meter	0	0	1	1	0	1	-77.08625	38.80817	7	1501368
ii	10/15/2010 12:45:33	165	Meter	309	0	0	0	0	0	-77.08563	38.80808	7	150135
ii	10/15/2010 12:45:28	165	Delivered	0	490	0	3	0	0	-77.08124	38.80698	7	1501350
ii	10/15/2010 12:45:26	165	Undelivered	3	490	0	0	0	0	0	0	0	1501347
ii	10/15/2010 12:44:41	165	Delivered	6	483	0	2	64	1	-77.08124	38.80698	7	1501300
ii	10/15/2010 12:44:35	165	Meter	0	0	3	0	0	1	-77.08124	38.80698	7	1501293
ii	10/15/2010 12:44:03	165	Delivered	0	477	0	3	32	0	-77.08126	38.80693	7	1501265
ii	10/15/2010 12:44:01	165	Book	0	0	1	2	0	0	-77.08126	38.80693	7	1501262
ii	10/15/2010 12:43:49	165	Delivered	0	475	0	1	0	0	-77.08126	38.80693	7	1501254
ii	10/15/2010 12:43:46	165	Ext Numeric Req	1306	0	1	0	0	0	-77.08126	38.80693	7	1501251
ii	10/15/2010 12:43:39	165	Delivered	0	470	0	3	0	0	-77.08128	38.80693	7	1501242
ii	10/15/2010 12:43:34	165	Delivered	0	469	0	2	0	0	-77.08128	38.80693	7	1501239
ii	10/15/2010 12:43:33	165	Powerup	5252	0	0	1	0	0	-77.08128	38.80693	7	1501234
ii	10/15/2010 12:43:32	165	MDTEvent 25	1006	0	0	0	0	0	-77.08128	38.80693	7	1501231
ii	10/15/2010 12:42:28	165	MDTEvent 25	2003	0	0	3	0	0	-77.08167	38.80677	7	1501179
ii	10/15/2010 12:42:27	165	MDTEvent 25	2013	0	0	2	0	0	-77.08173	38.80677	7	1501177
ii	10/15/2010 12:41:46	165	Delivered	3	441	0	1	96	0	-77.08215	38.80658	7	1501133
ii	10/15/2010 12:41:31	165	Ext Numeric Req	1306	0	0	0	0	0	-77.08215	38.80658	7	1501114
ii	10/15/2010 12:41:11	165	Delivered	0	428	0	3	64	0	-77.08215	38.80653	7	1501082
ii	10/15/2010 12:41:09	165	Ext Numeric Req	1306	0	0	2	0	0	-77.08215	38.80653	7	1501078
ii	10/15/2010 12:40:49	165	Meter	275	0	0	1	0	0	-77.08215	38.80653	7	1501063
ii	10/15/2010 12:40:45	165	Delivered	0	422	0	0	0	0	-77.08216	38.80653	7	1501060

11 (J))
10-16-10



COA Contact Us: Taxi Cab Code Provision Changes

william.euille, frank.fannon, kerry.donley,
Joyce Woodson to: alicia.hughes, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka, linda.owens, elizabeth.jones

10/19/2010 06:48 AM

Please respond to Joyce Woodson

1 attachment



b959de725ace48aad93d8b0ca3987806.doc

Time: [Tue Oct 19, 2010 06:48:07] Message ID: [25065]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Joyce
Last Name: Woodson
Street Address: 1407 Wayne Street
City: Alexandria
State: US-VA
Zip: 22301
Phone: 7037722565
Email Address: jw@joycewoodson.net
Subject: Taxi Cab Code Provision Changes
Comments: Please see attached letter.
Attachment: b959de725ace48aad93d8b0ca3987806.doc

Community Consulting Services

October 18, 2010

Mayor William Euille and Members of City Council
301 King Street, Room 2300
Alexandria, VA 22314

Dear Mayor Euille and Members of the Alexandria City Council:

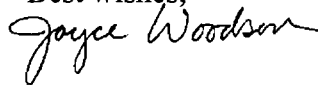
Thank you for the time and attention you brought to the public hearing and subsequent deliberations over the recommended taxi ordinance. It was a long day.

I have a few recommendations that you may still want to consider:

- The city staff's original recommendation to the Parking and Traffic Board included language that parenthetically questioned the number of days per year a driver works. This was ignored by the Traffic Board but remains a significant issue. No one works 365 days per year yet drivers are expected to fulfill call minimums as though they do. Perhaps at the November meeting you might accept language staff recommended: 200 days per year which is equivalent to two weeks off per year and a five day per week work schedule.
- Many of items in the new ordinance require Traffic and Parking Board public hearings and city manager action when they could easily be handled through administrative staff action.
- These issues are complex; if they are to be considered by a public citizen body that body needs to at least understand the issues and show respect to all members of the industry. I recommend removing this responsibility from the Traffic and Parking Board and creating a taxi commission. This commission would meet biennially to review the industry and would meet at the call of the chair for issues between biennial meetings. Membership should include industry professionals, including drivers and company owners, as well as citizen professionals with real knowledge of the industry.

In the final analysis, companies will be fine. The greatest loss was to drivers who are now much more captive to the company with whom they currently are affiliated. There remains gridlock in the system. In the absence of free mobility gridlock will persist until Union, VIP and King can take driver transfers or until Yellow, White Top and especially Go Green reconsider their business model when seeking to attract and retain transfer drivers.

While the public hearing marked the end of my contractual responsibilities to Union Cab, I remain interested in the issue and am always available to discuss them with you.

Best wishes,

Joyce Woodson

cc: Alexandria Union Cab
City Attorney

11(jj)
10-10-10

Community Consulting Services

Comments submitted to the Alexandria City Council on October 10, 2010.

Service

- All service trips should be valued, not just dispatch service. If measured, City Contracts should not be considered because they unfairly skew the results.
- Service response time should be measured because it more accurately reflects service to the citizens.
- No one works 365 days per year so minimum service requirements, if adopted, should be based on a more realistic number. 200 days per year, as recommended by the city staff, makes sense for drivers and companies.

Mobility

- Transfers and driver affiliations should be by negotiated contract between driver and company. The city should not micromanage these affairs. These contracts could be for one year or ten years. Stand dues could then be negotiated individually and companies could budget appropriately and with confidence.

Growth

- Limiting increases and decreases in the size of an organization is not the purpose of public policy except as to avoid monopoly.
- Limiting size is a disincentive to companies to invest in their business.
- Limiting decreases is a disincentive to companies to compete for drivers.
- If companies can grow by 20 % why can they only shrink by 5%? Why aren't these equal?
- We are confused by several sections, but especially Paragraph 9-12-31 (c) (1) which appears to contradict later language in the same section 9-12-31 (i) (1) (D): in one case the shrinkage can only be 5% and the other is can only be 10%.

Overall we think the effort rates an A+ but the content still needs work. The taxi industry is prepared to work with the City to address these issues until a fair and reasonable public policy is adopted.

Thank you,

Joyce Woodson

11
10-16-10

Please copy for council

Joyce Woodson

From: ourunion740@aol.com
Sent: Friday, October 15, 2010 10:31 PM
To: lwilli036@gmail.com; jw@communitysrvs.com
Subject: Fwd: Union cab

Pls lets we need to read this kind of comment tomorrow

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

From: Rachel Lustig <rachellustig@yahoo.com>
To: bob.garbacz <bob.garbacz@alexandriava.gov>
Cc: ourunion740 <ourunion740@aol.com>
Sent: Fri, Oct 15, 2010 11:32 am
Subject: Union cab

Dear Mr. Garbacz,

I am writing today to show my support for union cab of Alexandria. I am a citizen of Alexandria, and I believe that they represent the kind of small business values that we should espouse as a city. The drivers, owners of the company, that I have been able to ride with have been professional, courteous and empowered. The service that I have received from the dispatchers to the drivers has been strides above that of yellow cab. The cabs are clean, and the service is prompt. With yellow cab, I have dealt with two very serious late pick ups this summer, both arriving a half hour after the agreed upon time - one causing me to miss a flight.

By virtue of their ownership in the company, I recognize this cab as employing citizens with a greater incentive to contribute to this community.

Please do what you can to support the success of this young company.

Thank you,

Rachel Lustig
511 Four Mile Rd Apt 313
Alexandria, VA 22305

Sent from my iPhone

11
10-16-10



Fw: COA Contact Us: Vote on Taxi Polite Bill
Jackie Henderson to: Gloria Sitton

10/18/2010 08:15 AM

----- Forwarded by Jackie Henderson/Alex on 10/18/2010 08:15 AM -----

From: Ashley Billings <newsdesk@wjla.com>
To: william.euille@alexandriava.gov, frank.fannon@alexandriava.gov,
kerry.donley@alexandriava.gov, alicia.hughes@alexandriava.gov, delpepper@aol.com,
paulcsmmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov,
elaine.scott@alexandriava.gov, rob.krupicka@alexandriava.gov, linda.owens@alexandriava.gov,
elizabeth.jones@alexandriava.gov
Date: 10/16/2010 07:26 PM
Subject: COA Contact Us: Vote on Taxi Polite Bill

COA Contact Us: Mayor, Vice Mayor, and Council Members

Time: [Sat Oct 16, 2010 19:26:50] **Message ID:** [25019]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Ashley
Last Name: Billings
Street Address:
City:
State:
Zip:
Phone: 7032369480
Email Address: newsdesk@wjla.com
Subject: Vote on Taxi Polite Bill
Good Evening! Checking to see if the City Council voted on the Taxi Polite
Comments: Bill?

11
10-16-10



letter from yellow cab on taxis

William Euille, Kerry Donley, Frank Fannon,
Alicia Hughes, Rob Krupicka, Del Pepper,

Jackie Henderson to: paulcsmedberg, Beth Temple, Judy Stack, Jerad
Ferguson, Sharon Annear, krupickaaide, Joanne
Pyle, nanella

10/14/2010 03:09 PM

Cc: Michele Evans, Mark Jinks, Jim Hartmann, James Banks, Gloria Sitton,
Christopher Spera

From: Jackie Henderson/Alex

To: William Euille/Alex@Alex, Kerry Donley/Alex@ALEX, Frank Fannon/Alex@ALEX, Alicia
Hughes/Alex@ALEX, Rob Krupicka/Alex@ALEX, Del Pepper/Alex@ALEX,
paulcsmedberg@aol.com, Beth Temple/Alex@Alex, Judy Stack/Alex@ALEX, Jerad
Ferguson/Alex@ALEX, Sharon Annear/Alex@ALEX, krupickaaide@comcast.net, Joanne
Pyle/Alex@Alex, nanella@aol.com

Cc: Michele Evans/Alex@Alex, Mark Jinks/Alex@Alex, Jim Hartmann/Alex@Alex, James
Banks/Alex@ALEX, Gloria Sitton/Alex@Alex, Christopher Spera/Alex@Alex

Received today for Saturday's meeting.



yellow cab letter on taxis.pdf

Jackie M. Henderson
City Clerk and Clerk of Council
City of Alexandria, Virginia
703 746-3975

WILLIAM P. HARRIS

1106 Tuckahoe Lane • Alexandria, VA 22302-3515

Phone: 703-684-1106

Fax: 703-684-6432

E-mail: wpharris@comcast.net

TO: Alexandria City Council
FROM: Bill Harris, Elderly Alexandrian
DATE: October 15, 2010
SUBJECT: Support for Fair and Enforced Taxicab Regulations

I am writing asking your support for safe and reliable taxi service for all Alexandrians, but especially those who happen to be elderly or disabled.

Elderly and disabled people depend on *dispatched* service,. Good and reliable dispatch service depends on well written regulations which are fairly enforced.

Taxi companies providing dispatch service are going broke because the lack of regulatory enforcement has benefitted companies that provide little or no dispatch service. Airport and hotel riders do not require costly dispatch service, take longer rides, and give bigger tips. Frail elderly or disabled riders require dispatch service, often take shorter trips, and give smaller tips. It is only natural for drivers to want to leave the dispatch companies to go to those that favor airport and hotel riders.

Regulations must be written and enforced that require all companies, and their drivers, to share equally the costs of dispatch service, as well as the benefits of the more profitable airport and hotel business.

Safe and reliable taxicab services for ALL Alexandrians depend on regulations:

1. That require taxi service to everyone, including the elderly and disabled.
2. That require all taxi companies to share the costs of dispatch service, as well as the benefits of airport and hotel business.
3. That are equally and fairly enforced.

Taxicab companies are licensed by the City to serve *everyone*, not just those who can pay the most. The City must agree on regulations by which all companies will profit fairly, make it perfectly clear that all companies and drivers which fail to comply will be put out of business, and then enforce those regulations regardless of the consequences.



11
10-16-10

ACLU of Virginia

530 East Main Street, Suite 310 Richmond, Virginia 23219 (804) 644-8022

Via Facsimile (703) 838-6433

October 13, 2010

Alexandria City Council
301 King St., Room 2300
Alexandria, VA 22314

Dear Members of City Council:

I write regarding the proposed changes to the City's taxi cab ordinance currently under consideration. One of the proposed amendments would infringe on the First Amendment right to free speech and should therefore be eliminated or modified.

Currently, Section 9-12-60(a)(13) prohibits "repeated or egregious rude or discourteous conduct towards a passenger." The amendment to this section would further prohibit such conduct toward a "City official or member of the public." It is doubtful whether even the current ordinance passes constitutional muster, but the proposed amendment is unquestionably unconstitutional.

The Supreme Court has made it clear that the First Amendment protects not only the ideas one expresses, but the words one chooses to express them – even when those words are offensive or "rude." *See, e.g. Cohen v. California*, 403 U.S. 15 (1971). A bedrock principle of the First Amendment "is that the government may not prohibit the expression of an idea simply because society finds that idea itself offensive or disagreeable." *Texas v. Johnson*, 491 U.S. 397, 414 (1989). As proposed, the ordinance prohibiting taxi drivers from engaging in "rude or discourteous conduct" strikes at the most fundamental tenant of the Constitutional protection of free speech.

Furthermore, by carving out a unique regulation for speech directed towards city officials, the proposed amendment not only infringes on taxi drivers' free expression but also violates the petition clause of the First Amendment. As the Supreme Court noted, "debate on public issues should be uninhibited, robust and wide-open" and may sometimes include "unpleasantly sharp attacks on government and public officials." *New York Times v. Sullivan*, 376 U.S.254, 270 (1964). Regulations prohibiting speech directed towards government officials receive greater scrutiny. Government officials may not shield their ears from rude or discourteous remarks, and the City may not specifically prohibit taxi drivers from directing their comments towards city officials simply because they are government officials.

Additionally, the proposed amendment is unconstitutionally broad and vague, requiring taxi drivers to guess at its meaning. A taxicab driver's understanding of what constitutes "rude or discourteous conduct" can be worlds apart from that of a city official who administers

suspensions. Under the proposed scheme, a taxi driver engaged in what he perceives to be a genial disagreement with a city inspector may unknowingly be engaging in what the city official believes to be "discourteous conduct." The Supreme Court has found that a law or an ordinance that is "so imprecise that persons of ordinary intelligence must guess at its meaning and may differ in their understanding to its application" is unconstitutional. *Coates v. Cincinnati*, 403 U.S. 611, 614 (1971).

The proposed amendment can also subjectively be applied and "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute." *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972). By vesting unfettered discretion in individual city inspectors to determine whether a taxi driver's actions constitutes "rude or discourteous conduct," the proposed ordinance proposes a scheme to limit speech precisely prohibited by the First Amendment. *City of Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750 (1988). Such an ordinance has an obvious chilling effect.

On behalf of the ACLU of Virginia, I urge you to vote against the proposed taxi code. Should you have any questions, please do not hesitate to call me at (804) 644-8080. Thank you for your attention to this matter.

Sincerely,



Thomas O. Fitzpatrick
Dunn Fellow

cc: Honorable William Euille, Mayor of Alexandria
James L. Banks, Jr., City Attorney