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Jim Donnelly's speaking notes at PSC meeting on June 19th on bylaw L-129-51, effective July 1st, 2012

Given the Chair's instruction to keep to housekeeping issues, I have the following comments.

I am the President of Aboutown Transportation Ltd, as well as President of the Canadian Taxi Association (CTA) and International Vice-President of the Taxicab, Limousine and Paratransit Association (T.L.P.A.), which represents for hire fleets worldwide. I have worked for Aboutown since 1972 and owned it since 1974. I have attended over 100 conferences and continue to review best practices in Canada and the United States, concerning the "for hire vehicle industry". Aboutown currently operates Taxis, Executive Limousines, Charter Highway Coaches and software and hardware dispatch system company.

1. In 11.3 (ii) a driver can have his license revoked and lose his livelihood if convicted of two minor traffic infractions, totaling 6 demerit points. The Province controls driver licensing and even a school driver handling a large yellow bus can drive provided he has "no more than 6 demerit points". I met with Orest Katolyk and suggested the "more than 6 points" was the strictest standard that should be considered. To be more restrictive is punitive to the drivers and counter-productive for the industry and the city. I suggest "no more than 9 points" recognizing Ontario allows up to 15 points, but sets up a driver interview at 9 points.
2. In 14.8, 14.9 - just inserting the word "major" in front of accident would make this section reasonable. As presented, it is punitive to remove a vehicle for a minor scratch and then require a full vehicle safety certificate. I did suggest this piece of housekeeping to Orest Katolyk.
3. In 15.6(a) I did point out to Orest Katolyk that by not adding "and", it left the section incomplete.
4. In section Schedule G 2.1(c) (vii) and (viii) under Broker's Duties, I pointed out to Orest Katolyk that this requirement was not possible to be met with current industry computer dispatch systems. Do not legislate that which cannot be done.

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5. In the same section about brokers, Schedule G section 2.1(d) requires Brokers to inspect each vehicle prior to each shift for cleanliness, mechanical operation and equipment. I explained the impracticality of this enforcement requirement to Orest Katolyk in that at even 5 minutes per cab, multiplied by 150 units, it would take 750 minutes or 12.5 hours for each 12 hour shift. It would be both punitive and foolish to try to enforce such a rule, as written.

6. In several sections, including Schedule A 3.1(Z), its reference to the hours worked limit does not recognize large parts of a shift that a driver is not driving. The Ontario rule for driving a Greyhound bus, a school bus, or a tractor trailer is 16 hours on duty with a limit of 13 hours actually driving, and 8 hours off duty. To not recognize the reality of the driver's actual work shift with some long periods of inactivity, and not allow him to work the busy periods, will negatively impact both driver income and service to the public. The rule of 8 hours off duty would be much more reasonable. The City should look to the Province for its expertise on licensing and vehicles.

7. In Schedule G 3.1 (iii) the broker could not comply other than perhaps watch for a driver taking 8 hours off.

8. Throughout this bylaw, many single infractions are open to charges against the Driver, Owner and Broker for one alleged offence. This is most unreasonable and contrary to any sense of fairness. If the offence is committed by a Driver, then only the Driver should be charged. Similarly, an offence by either an Owner or a Broker should only be charged against the offending party.

Far too much authority for enforcement of nebulous rules threatens the overall industry members and their livelihoods. Legislating the impossible and the impractical as well as giving out up to three separate charges for one offence is punitive and unworkable.

I respectfully request that my items 1 through 5 be implemented as part of the "housekeeping" issues going to council. I further recommend that my items 6 to 8 be delayed beyond July 1st for enforcement until the next promised public participation meeting. The last item I would recommend is that the new age of vehicles coming into service be delayed from July 1st to October 31st, when the balance of replacement cars needs to be in service.

There are a number of positive items in the bylaw, including not using cell phones while engaged with a passenger. However, to be fair and reasonable to industry members and the travelling public, the items listed above need to be addressed rather than allowing the major flaws of this bylaw to be implemented on July 1st.