

Members of the Public Safety Committee
 Corporation of the City of London
 300 Dufferin Avenue
 London, Ontario, N6B 1Z2

19 June 2012

Re: Agenda Item # 4 – Public Participation Meeting re: Taxi/Limousine By-law

Dear Committee Members,

In review of the wording we feel there are a few sections where the letter of the law may exceed the intended spirit of the law. We ask these items be included in the house keeping of the bylaw such that the bylaw becomes practical both for administration to enforce and for the industry to comply with.

Schedule 'A'

2.1 (e) Requires drivers to carry with them trip records for the current and previous month. The issue here is these records are source documents for not only the City but also for the drivers' accounting records. This exposes these records to possible damage or loss. We request that the drivers be required to carry their current and last shift trip records in the car, having the previous two months records "readily available upon request of law enforcement". Readily available would mean at home and able to be produced within a short period of time.

2.1 (c)

Schedule 'G'

2.1 (c) (vii) Requires that brokers record the fare for all trips undertaken by the drivers. This is problematic for many reasons:

- o This records a drivers income. The drivers are independent contractors, the City of London is requiring that they disclose their earnings to the brokers, the brokers' employees and presumably the City Enforcement. A private business, such as a taxicab driver or owner, is not required to provide their income or other financial information to persons other than for purposes of income and value added taxation. Even then it is under very strict circumstances and the use of the information is limited in scope the the purposes of taxation enforcement.
- o The information, although the drivers are independent contractors, would be protected by privacy legislation which makes the recording, record storing, transmission and dissemination of such information a very controlled thing, the the point the information would not likely be accessible or usable by City Enforcement.
- o For individual fare concerns the drivers' trip sheet will provide the information for City Enforcement on an individual trip basis.
- o The process to record this information is not currently available in the technologies employed by any of the brokers in the industry and would be an onerous undertaking to comply with to the extend of being an undue burden considering the information is currently available through driver trip sheets.

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2.1 (c) (viii) The recording of each taxicab trip geographic route for 12 months for all cars is not currently possible and is not practical to the extent it cannot be met by the brokers. For the same reason most GPS Navigation units (e.g. Tom Tom, Garmin, Magellan, etc.) only record the previous 10 or so trips due to the immense amount of information contained in a turn by turn trip route. This would require far more storage capacity than is currently available in any of the mobile dispatch systems on the market. The information cannot be transmitted to the dispatches in a live format due to the amount of radio frequency traffic it would create (it would overload current radio technologies). Brokers are able to record the pick up and drop off areas of each call and retain this information for the 12 month required period.

2.1 (d) Also imposes requirements that are not possible to meet. A broker cannot possibly inspect each taxicab prior to each shift. A cursory inspection of a taxicab for cleanliness and proper paper work takes a minimum of 5 minutes (as bylaw enforcement officers can verify). To inspect a taxicab for mechanical operation would take a minimum of 30 minutes per car.

- 5 minutes x 150 taxicabs = 750 minutes = 12.5 hours

This would mean for our taxicab fleet (not including our executive limousines, stretch limousine, or group transportation vehicles) we would have to have 12.5 hours of staff time spent on each shift, being two shifts per day, to inspect taxicabs prior to them going into service. That is 25 hours per day. Given that most taxicabs change shifts within 2 hours of each other this would require a staff of not less than 11 individuals hired for the sole purpose of inspecting taxicabs. The other brokers would require the same making an administrative requirement of 15 full-time equivalents as an added cost to do business in the taxicab industry in London. This does not pass the test of reasonability. When you contemplate adding a mechanical inspection to the equation you are looking at approximately **300 hours per day of inspections** being required from brokers. This would require about 40 inspectors daily, including weekends and holidays, making it approximately 60 full-time equivalent inspectors required.

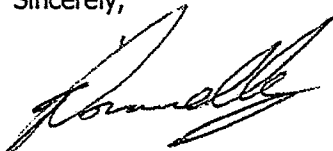
We submit that the Brokers would be liable if they KNOWINGLY permit a taxicab to operate while it is not in compliance with this bylaw.

General

This bylaw permits and prescribes that for each offence under the bylaw not less than three persons should be charged for the same offence, being the driver, the owner and the broker. We submit that this is not reasonable. The charges should be laid against the offending party. If the driver commits an offence the driver should be ticketed. If the owner commits an offence, causes an offence to be committed or knowingly allows an offence to be committed they should then, and only then be charged. The same would be true of a broker. If an offence is committed by the owner, such as an improperly labelled car, such offence should be charged against the owner, not the driver. The same as if a broker instructs a driver to violate the bylaw, for example by instructing drivers through policy that they must discount a fare by 10%, the broker should bare the liability and be charged, not the drivers.

We again thank the City Staff for substantial time and effort put forth to this bylaw.

Sincerely,



James R. Donnelly
The ABOUTOWN Group of Companies

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