

<b>TO:</b>	<b>COMMUNITY AND PROTECTIVE SERVICES June 17, 2013</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>TAXICAB AND LIMOUSINE LICENSING BY-LAW RELATED ISSUES</b>

<b>RECOMMENDATION</b>
-----------------------

That on the Recommendation of the Managing Director, Development and Compliance Services and the Chief Building Official, this report on issues related to the Taxicab & Limousine Licensing by-law **BE RECEIVED** for information purposes and that consideration be given to amending the by-law to address the following issues: brokers records, hours on duty and fare fraud.

<b>BACKGROUND</b>
-------------------

On June 19, 2012, a public meeting was held to receive comments on a number of housekeeping amendments to the Taxicab & Limousine Licensing by-law. During this meeting, a number of concerns were raised and the Public Safety Committee referred these matters to staff for a report. Since that time, staff and London Police Services have had several meetings with the London Taxi Association and their consultant Roger Caranci. The following issues were reviewed in response to concerns raised at the public participation meeting and at meetings with the London Taxi Association.

**1. Issue: Demerit points**

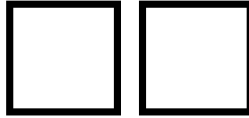
**Current regulation:** The Licence Manager may refuse to issue or revoke a licence if an applicant or licensee has accumulated 6 or more demerit points within a three year period.

**Staff comments:** As per Part 11 of the Taxicab and Limousine Licensing by-law, the Licence Manager has the authority to make decisions based on a number of grounds including the applicant's or licensee's driving record. The purpose of this regulation is directly related to health and safety. Many drivers have taken the position that the number of demerit points is very low and that others who drive as part of their employment duties are not held to such a high standard. The key difference is that drivers of vehicles for hire are primarily being hired to drive passengers and that these drivers should be held to as high or if not a higher standard than the general public who may drive as part of employment duties. The accumulation of 6 demerit points does not necessarily lead to an immediate refusal or suspension by the Licence Manager. There is no rationale to increase the demerit points as one of the key principles of this by-law is to ensure public safety.

**2. Issue: Vehicle entry age**

**Current regulation:** No motor vehicle more than three (3) years old may be plated for the first time as cab or limousine.

**Staff comments:** Initially during the public consultation meetings held as part of the by-law review, staff proposed a limit of two years as a vehicle entry age. At the request of the vehicle for hire industry, the regulation was changed to three years. There have been some recent requests to increase the age to four or five years. The impetus of the requests have been the anticipated increase in vehicle insurance rates due to changes in underwriting coverage of vehicles for hire in London and other Ontario municipalities. With the elimination of some commonly utilized vehicles by many police services which are often purchased for the purpose of vehicles for hire, owners have been introducing a variety of different vehicle models as



vehicles for hire. The fact that insurance rates are anticipated to increase is no rationale to further reduce the entry year for vehicles for hire.

**3. Issue: Brokers records**

**Current regulation:** Every broker shall maintain accurate records for at least 12 months of all orders for each vehicle for hire contracted for service. The regulations of concern pertain to fares charged and geographic routing of trips taken.

**Staff comments:** the fares charged for all trips are recorded on the taxi meter and also in the drivers' trip sheets. Often when there is a discrepancy or complaint about the fares charged, the trip sheet is reviewed to confirm fees for services provided. Normally a complaint is made within a few days of service being provided. A taxi meter can be checked for accuracy by an MLEO upon complaint and during a random inspection. Brokers have also indicated that a vast amount of data storage is required to retain geographic routing for all trips taken for each vehicle. If there is a complaint made within a few days of service being provided, the forward facing cameras can also be downloaded to provide information to assist in an investigation. Consideration should be given from a by-law housekeeping perspective to remove the requirement for brokers to maintain this data.

**4. Issue: Hours on duty**

**Current regulation:** A driver shall not operate a vehicle when the driver has been on duty for more than 12 hours within a 24 hour period without taking 8 consecutive hours off duty.

**Staff comments:** This regulation was included in the by-law for the purposes of health and safety of the driver, passengers and general public alike. Driving a vehicle for hire is a stressful occupation at times and given the late hours of peaks in demand for service, driver fatigue is a key safety consideration. There have been some concerns raised by drivers on the interpretation of the regulation due to split shifts and out of town travel. Consideration should be given to reviewing this regulation in an effort to provide clarity. The Ministry of Transportation regulations for truck drivers and hours of operation could be reviewed and considered for clarity purposes.

**5. Issue : Trip sheets**

**Current regulation:** A driver shall fill in a trip sheet as provided in the by-law noting times of pick up and drop off, fare amount, locations and number of passengers.

**Staff comments:** Some drivers have voiced a concern that the trip sheets contain information which could be of some value to a person who may be in the process of considering undertaking a robbery of a driver based on the amount of money collected as noted in the trip record. The intent of the trip sheets was to provide information on hours of service, odometer readings, locations of pickups and destinations and numbers of passengers. All vehicles for hire are equipped with cameras to assist in any enforcement or criminal investigations. Further, many passengers pay with debit or credit cards. It is difficult if not impossible to conclude from a trip sheet the amount of money the driver could have in their possession at any one time. There is no rationale for removing the need for trip sheets.

**6. Issue: Fare fraud**

**Current regulation:** A driver may refuse service if a person requesting service has not paid a previous fare or appears to be unwilling or unable to pay the anticipated current fare for service.

**Staff comments:** Consumers pay upfront or are required to leave a deposit for a wide range of products and services including using public transit and purchasing gasoline ( i.e. after certain hours). "Fare jumping" is theft and is an illegal act. According to discussions with numerous drivers, it is an on-going issue which results in loss of revenue, and in some cases, violent altercations which have placed taxi drivers in serious danger. Often the police are called and attend in a timely fashion depending on other calls of a higher priority. If charges are laid, the driver may be required to attend court to provide evidence. Often, drivers don't call for police assistance if the fare is minor and the driver does not want to wait to provide information to the police. Under the current regulations there are no provisions allowing the driver to request to prepay a fare prior to the service being provided. It would be appropriate to review this matter

--	--

and consider allowing drivers the option of asking for a down payment, especially in the evening hours, to ensure payment for service is received. Drivers should have the option to refuse rides if a down payment is not provided.

**7. Issue : Taxicab Advisory Committee**

**Current process:** there is no taxi-limo advisory committee or task force in place.

**Staff comments:** during the development of the current by-law, there were several meetings held to present policy options and draft by-law regulations. There was no formal task force or committee set up to assist with the consultation process. If Council sees merit in setting up an advisory committee on vehicle for hire issues at this time, the Clerk could report back on costs and staffing information.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<p><b>O. KATOLYK MANAGER OF LICENCING AND MUNICIPAL LAW ENFORCEMENT SERVICES</b></p>	<p><b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b></p>

J. Smout – City Solicitors Office  
LPS – COR Unit  
Roger Caranci - LTA