

ORDINANCE NO. 4683

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:

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.

(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.

(7.3) Documented City trip. A non-dispatched trip served by the driver while on duty that originates without a call to a central dispatch center in one of the following manners: a) a

pick-up from an authorized Alexandria taxi stand; b) a pick-up from a Metro Station located within the City of Alexandria; c) a pick-up from Washington Reagan Airport where the final destination is within the City of Alexandria; or 4) a trip arranged by direct communication between the customer and the driver. With respect to each of the foregoing, in order to constitute a documented City trip, such trip must be contemporaneously documented on the company's business records via a regular established business procedure, so that a company record of the trip exists independent of what may be recorded in a driver's manifest, including, without limitation, the date of the trip, the time and location of both the origination and termination point of the trip and the number of passengers served on the trip.

(Intervening sections are unchanged)

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

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

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

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

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

(Intervening sections remain unchanged)

Sec. 9-12-31 Biennial review of taxi industry.

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

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

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

(1) the minimum number of authorized taxicabs for each certificate holder shall not be fewer than 10 percent less than the number authorized at the time of the biennial review, except by operation of section 9-12-30(a)(2). Notwithstanding the foregoing, the minimum number of authorized taxicabs for any company that has substantially met the level of dispatch service required under this Code for the intervening two-years since the prior review shall not be reduced below the number of authorizations allowed in the prior review.

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

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

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

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

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

- (3) the ability of current drivers to earn a living wage;
- (4) a demonstrated commitment to specifically serve the needs of the elderly and/or disabled community;
- (5) the dispatch levels attained during the two-year period immediately preceding the biennial review, so that no company shall be granted more authorizations than supported by its actual dispatch performance for the prior two-year period; and
- (6) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

(Intervening sections remain unchanged)

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

- (1) driver income compared to the City of Alexandria adopted living wage;
- (2) cost of industry related regulatory and enforcement expenditures; and
- (3) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.

(h) Not later than December 15 of the year in which the biennial review is conducted, the city manager shall issue an order stating the manager's findings and conclusions as to the economic condition of the taxicab industry and determinations as to any pending applications or proposals under section 9-12-30. In issuing his order, the city manager shall presume that the factual findings of the board are prima facie correct. If the manager disagrees with any of the recommendations of the board, the manager shall, with the issuance of the order, enumerate the reasons for not accepting such recommendations. The order of the city manager may be used by him in determining the public convenience and necessity under the provisions of this article.

(i) The city manager may approve taxicab owner applications to transfer affiliation from one certificate holder to another certificate holder during the biennial review process. In

reviewing transfer applications, preference shall be given based on driver seniority to the extent feasible, and the board and city manager shall give consideration to such factors as bear on public convenience and necessity including but not limited to:

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

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

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

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

(D) The net impact on any certificate of all transfers allowed during any single biennial review process shall not reduce the size of any certificate holder in compliance with Section 9-12-32(c) by more than 10 percent of the number of authorizations held at the time of the biennial review, nor may it increase the size of any new certificate holder by more than 20 percent of the number of authorizations held at the time of the biennial review.

(Intervening sections remain unchanged)

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

Each certificate holder shall:

(a) provide 24-hour service;

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

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

(2) if less than 130 taxicabs are authorized under the certificate, dispatch may be provided not less than 16 hours a day, seven days a week;

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

(c) provide the minimum level of service for dispatch and documented City trips and call response time as prescribed by regulation; however, in no circumstance may regulation set an average dispatch and documented City trip call volume equaling less than two calls per driver per day. In addition, in no circumstances may regulation provide more than 25% of the required call volume be satisfied by documented City trips. Dispatch and documented City trip service requirements shall be calculated based on the total number of properly documented calls served by the certificate holder during the time period reviewed by City staff.

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

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

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

(following sections remain unchanged)

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

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

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

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

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

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

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

Sec. 9-12-81 Requirements for vehicles.

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

(Intervening sections remain unchanged)

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

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

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

(3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.

(i) Display of permit. Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.

(j) Display light. Every taxicab shall be equipped with a plainly visible light signal permanently affixed on the exterior of the cab of a design approved by the hack inspector, which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.

(Subsequent sections remain unchanged)

Section 2. That this ordinance shall become effective upon final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: October 16, 2010