

ORDINANCE NO.

AN ORDINANCE to amend and reordain Title 9 (LICENSING AND REGULATION), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Division 2 (CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9, Chapter 12, Division 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-12-30 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

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) Reserved.~~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.

- (4) The board in making its recommendation, and the city manager in making the determination on such applications and proposed amendments, shall consider the factors prescribed in section 9-12-31.

[The remaining portions of Section 9-12-30 remain unchanged.]

Section 2. That Title 9, Chapter 12, Division 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-12-31 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

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

[The intervening portions of section 9-12-31 remain unchanged.]

- (i) Reserved. ~~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(e) 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(e) 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(e) 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(e) 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(e) 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.-~~

[The remaining portions of Section 9-12-31 remain unchanged.]

Section 3. That Title 9, Chapter 12, Division 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-12-35 to read as follows:

Sec. 9-12-35 Grandfathered certificates.

A certificate which was issued to an individual owner or driver prior to February 15, 1983, and remains in force and effect, including by renewal, on and after July 1, 2005, shall be subject to the following provisions:

- (a) the original holder of such an individual certificate may change affiliation at any time and for any reason, subject to compliance with the provisions of this section.
- (b) the provisions of section 9-12-32 shall not be applicable to renewals of grandfathered certificates held by an individual owner or driver.
- (c) grandfathered certificates ~~are non-transferable~~ may only be transferred in the manner set forth in the following section (d).
- (d) ~~and u~~Upon the holder's departure from the industry, shall not be reissued the company with whom the grandfathered certificate is at that time affiliated may request that the grandfathered certificate be converted to a standard authorization, which, if granted, shall be in addition to the number of authorizations then affiliated with the company. The Traffic and Parking Board shall consider any such request at a public hearing and will make the final determination regarding such request. The City Manager shall promulgate regulations for processing such requests and scheduling them for hearing. In the event such a request is granted, then the grandfathered certificate holder may transfer the vehicle permit in the same manner and subject to the same regulatory requirements as those vehicle permits for vehicles with standard authorizations.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: