



EXECUTIVE COMMITTEE OF COUNCIL

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: TAXI BYLAW

RECOMMENDATIONS:

1. **THAT** Council approve the enactment of a new bylaw to regulate taxi service as detailed in this report;
2. **THAT** Council give public notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make written submissions to the Executive Committee of Council.

REPORT

The Executive Committee of Council, at its meeting held on 2008 September 29, received and the adopted the *attached* report seeking Council authorization to enact a new taxi bylaw.

The taxi industry is complex and involves a variety of regulatory bodies, taxi companies and user groups. A new taxi bylaw is recommended to align City licensing and regulations within the industry landscape. The proposed bylaw focuses on the taxi industry and includes updated and simplified regulations to service taxi users, the taxi industry and the City.

The Community Charter stipulates that Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make submissions to Council. Notice will be advertised in local print media and issued directly to affected taxi companies. It is recommended that the submissions be directed to this Committee for review and coordination into a future report for Council consideration.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor N. Volkow
Vice Chair

Councillor L. Rankin
Member

TO: CHAIR AND MEMBERS
EXECUTIVE COMMITTEE OF COUNCIL

DATE: 2008 Sep 30

FROM: DIRECTOR FINANCE

SUBJECT: TAXI BYLAW

PURPOSE: To obtain Council authorization to enact a new Taxi Bylaw as detailed in this report.

RECOMMENDATIONS:

1. **THAT** Council approve the enactment of a new bylaw to regulate taxi service as detailed in this report;
2. **THAT** Council give public notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make written submissions to the Executive Committee of Council.

At the Executive Committee of Council meeting held on 2008 September 15, the Committee considered staff recommendations relating to the creation of a new Taxi Bylaw. As a result, the report was referred back to staff to address noted issues. This report addresses the issues and incorporates the input from the Committee.

REPORT

The Burnaby Cab and Commercial Vehicles Bylaw No. 3102 was adopted in 1951. The bylaw provides for City licensing and regulation of owners and drivers of commercial vehicles and specifically references taxis, school buses, charter buses, driving instruction vehicles, oil delivery trucks and private local bus services. The bylaw is largely dedicated to licensing and regulation specific to taxis, with the other commercial vehicle types addressed through general provisions in the bylaw. Due to the age and limited relevance of the bylaw and changes to regulation of the taxi industry, a new bylaw is recommended that is specific to taxis.

The Community Charter empowers local governments to regulate and license business (including taxis) by bylaw, provided the bylaw is consistent with Provincial enactments. This report and its bylaw recommendations deal specifically with taxi service. Reference to other commercial vehicle service is not necessary in this bylaw as this is addressed through other existing licensing and regulation at the local and provincial levels.

The taxi industry is complex and involves a variety regulatory bodies, taxi companies and user groups. The result is an irregular industry landscape involving a number of considerations, both locally and regionally. This report presents industry information with details on selected aspects and a summary of recommended requirements to be included in the new bylaw.

Provincial Government

The Passenger Transportation Act creates a regulatory structure for licensing all commercial passenger carriers, including taxis, and establishes the Passenger Transportation Board (PTB) and the Registrar. The PTB determines the number of taxis permitted to operate within the province and within specified operating areas. Persons intending to operate taxis (passenger directed vehicles) must obtain a Provincial license with special authorization. Applications for special authorizations are required for new operators, amendments of licenses and the addition of vehicles and are reviewed by the PTB. When reviewing applications, the PTB is mandated in the Act to consider whether:

- there is a public need for the services for which the applicant has applied
- the applicant is a fit and proper person to provide the service and is capable of providing the service
- granting the application would promote sound economic conditions in the passenger transportation industry in B.C.

Notice of application for special authorization is published by the PTB and public input on the application is received for consideration in the decision. Included in the PTB approvals are terms and conditions of license that specify operational requirements, areas of operation and the number and types of taxis permitted to operate. The Board also sets taxi rates.

The Registrar administers PTB decisions and verifies safety requirements of an operator, undertakes enforcement actions and levies suspensions and cancellations of licenses. Appeals of penalties imposed by the Registrar are heard by the PTB.

Burnaby Taxi Service

The PTB has set the number of Burnaby based taxis at 119 including 11 wheel chair accessible licenses. In addition, the PTB has authorized specified Coquitlam and New Westminster taxi companies to operate three and four kilometers, respectively, into Burnaby from their city boundaries. This authorization provides potential for an additional 113 taxis, including 17 accessible taxis, available for service in an area approximating half of Burnaby in the east and south. The supply of taxi service to Burnaby as authorized by the PTB is summarized in the table below.

Table 1 Taxi Licenses Issued by the PTB and Burnaby

COMPANY	PTB TOTAL	SEDANS	VANS	BURNABY TOTAL	SEDANS	VANS
Bonny's Taxi	115	104	11	115	99	16
Burnaby Select Taxi	4	4	0	4	3	1
Royal City Taxi (N.W.)	52	43	9	0	0	0
Queen City Taxi (N.W.)	11	9	2	0	0	0
Bel Air Taxi (Coq.)	50	44	6	0	0	0

City business licenses are issued for Burnaby based taxis only. Business licence fees are \$354 in the first year and \$198 each renewal year. Bonny's Taxi holds 115 taxi licenses including 16 for accessible taxis. Select Taxi holds 4 taxi licenses including one for an accessible taxi. Scheduled inspections of each of our licensed taxis are conducted in the spring and fall of each year. Inspections verify vehicle compliance with bylaw regulations, check taxi meter accuracy and ensure a clean and fully maintained and operable vehicle with respect to condition and customer comforts.

Coquitlam and New Westminster taxi companies with PTB authorization to operate in a designated area of Burnaby either do not hold a Burnaby business license or are licensed inconsistently due to current bylaw regulation.

Accessible service

Accessible taxi service refers to those vehicles equipped with a ramp or other equipment for the loading and unloading of a person in a wheelchair. The current level of accessible service in Burnaby is a result of past City license issuances related to the bylaw and current authorizations issued by the PTB. Accessible vehicles are typically dual purpose in that they operate as both an accessible taxi and a regular taxi, with priority given to accessible service needs.

Burnaby based taxi companies operate 17 accessible taxis which represents 14.3% of all taxis. As a local comparable, Vancouver reviewed their accessible taxi service in March 2007 and established a 15% accessible level for this year with a goal of 20% for 2010. The Vancouver report noted other Canadian cities held accessible taxi percentages that are significantly less, including Toronto at 1.7%.

As with all taxis, the number of accessible taxis and their operational standards are established and regulated by the Province through the PTB and its Registrar. Motor Vehicle Act regulations use the Canadian Standards Association (CSA) specifications to establish Mobility Aid Accessible Taxi Standards which detail vehicle standards and securement / restraint systems for accessible taxis.

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Complaints

In the years 2000 to 2007, the City received 94 complaints related to taxi service. The following table provides detail on the nature of the complaints which average 12 per year over this period.

Taxi Complaints to City 2000 - 2007

	Customer Service	Driving	Taxi Stand	Vehicle Condition	Wait	Other	Total
2000	5	3	1	2	2		13
2001	7			1	2	1	11
2002	6	1				2	9
2003	3	1	1	1		1	7
2004	6		2	3	1		12
2005	10	3	1	1		1	16
2006	5	1	2	3	1	1	13
2007	5	1		2	5		13
Total	47 (50%)	10 (11%)	7 (7%)	13 (14%)	11 (12%)	6 (6%)	94

Customer service is the primary public concern which represents half of the registered complaints. Vehicle condition, waiting and driving issues, together, represent more than a third of complaints and are the next most common public concerns. Included in these figures are 9 complaints about accessible taxi service; specifically vehicle condition (4), waiting (3) and customer service (2).

Taxi Host

The TaxiHost program has existed since the mid 1990's and was developed in coordination with the taxi industry, tourism and regulatory bodies to help create a consistently high level of taxi service for the region. Level I and II programs are offered at the BC Justice Institute and include training in safe driving, customer service, transporting persons with disabilities and regional geography.

Of the Burnaby based taxi operators, approximately 98% of drivers have completed TaxiHost I and 58% have completed TaxiHost II. This training is completed on a voluntary basis as there are no bylaw requirements for taxi drivers to complete the TaxiHost program. Burnaby is one of the few regional jurisdictions not to require TaxiHost as a bylaw requirement. Recent changes to the regional geography section of the TaxiHost program have addressed previous concerns about the relevance and detail of the material.

Vehicle Age

An increasingly common taxi bylaw regulation in the region limits the age of vehicles used for taxi service. Vancouver, Surrey and the north shore communities require taxis be 7 years or less in age. The age of taxis providing service in Burnaby range from the current year model to 1991.

Some taxis currently operating in Burnaby are late model vehicles purchased from taxi companies that operate from cities that limit the age of the vehicle. The result is a taxi service for Burnaby residents that is provided in older vehicles than in neighbouring communities.

Chauffeur Permits

The Motor Vehicle Act provides for the regulation of chauffeurs in the City and for the issuance of permits to chauffeurs by the Officer in Charge, RCMP – Burnaby Detachment. All taxi drivers are required by bylaw to obtain an annual chauffeur permit from the RCMP which includes a security check for public safety purposes. Where a driver is found to be unfit to hold a chauffeurs permit, the Officer in Charge may suspend, revoke or deny the permit. These actions may be appealed to City Council.

Vancouver International Airport

Vancouver International Airport (YVR) provides taxi service to its customers through contractual agreements with 16 taxi companies. The service contract requires drivers to hold TaxiHost Level II training, vehicle age limits of 7 model years and newer, a monthly service obligation, annual license fees and insurance coverage. Of the Burnaby based taxis, there are 80 Bonny's taxis under contract with YVR to provide airport service.

The YVR taxi business is attractive to taxi companies. The service standards and service requirements set by YVR impact the companies involved and the communities in which the companies are based.

NEW TAXI BYLAW

A new taxi bylaw is recommended to align City licensing and regulation within the industry landscape described above. The proposed bylaw focuses on the taxi industry and includes updated and simplified regulations to serve taxi users, the taxi industry and the City. The following is a listing of new and key elements to be included in the proposed bylaw.

Licensing

- 1. The number of taxis permitted to operate in Burnaby is established by the PTB.*

The Bylaw to recognize Provincial authority to set the number and type of taxis permitted to operate in Burnaby. Opportunity exists for City to make submissions to PTB on applications relating to taxi service.

- 2. Companies making application to PTB for new taxi service, additional taxi service or a change in taxi service in Burnaby are required to notify the City concurrent with the submission of the application.*

Currently no notification of application is directed specifically to the City.

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3. Burnaby based taxi companies are subject to Burnaby licensing and regulation.

Licensing, regulation and inspection of Burnaby based taxi companies authorized to service all of Burnaby to be maintained on a status quo basis as per Committee recommendation.

4. Business license fees for companies and individual taxis for new licenses (\$360), renewal licenses (\$200), transfer of owner (\$75), transfer of vehicle (\$75) and relocation of company (\$75).

License fees are rounded for convenience and vehicle transfer fee is reduced from \$105 to \$75 to be consistent with other transfer fees.

Vehicles

1. All taxis holding a Burnaby business license are subject to annual and random inspections of vehicles (clean, undamaged and mechanically sound) and taxi meters (accuracy of PTB rates).

Change from semi-annual to annual inspections due to newer vehicles models and improved condition of fleet.

2. All vehicles licensed to operate in Burnaby must be no older than 7 model years as of 2010 April 1, with the exception of accessible vehicles, which must be no older than 10 model years by the same date.

Taxi users will benefit from the comforts of newer model vehicles and the bylaw will align with the most common vehicle age limit for non-accessible taxis in the region. The compliance date provides for service optimization through the 2010 Olympic event. The later model vehicles for accessible taxis recognizes the owner's additional investment in converting the vehicles for this service.

3. The number of accessible taxis operated by Burnaby based companies as of 2008 June 1 and recorded in Table 1, may not be reduced.

The number of accessible taxis operated by Burnaby companies currently exceeds their PTB authorizations. The bylaw would require Burnaby companies to maintain current accessible service levels as a minimum and achieve or maintain a total service level minimum of 15% accessible taxis with the future PTB authorizations.

4. Requests for accessible service must receive priority use of accessible taxis.

Dual purpose, accessible taxis are not exclusively for accessible service. However, priority service and bookings are required for passengers in need of accessible service.

Drivers

1. All drivers of Burnaby companies required to hold a chauffeur permit as issued by RCMP.

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Chauffeur permits to be issued by the RCMP for a three year period at a cost of \$50. Permits to be issued at the discretion of the RCMP and may include temporary permits. The RCMP will conduct annual security checks of permit holders.

2. Taxi Host Level I certification required for all taxi drivers by 2009 July 1.

As recommended by Committee, Level I certification to be required for chauffeur permit and must be presented to RCMP at time of chauffeur permit application or renewal. This provision responds to the high percentage of customer service complaints received by the City.

3. Taxi companies must ensure drivers are trained and competent in the safe loading and securing passengers using accessible service.

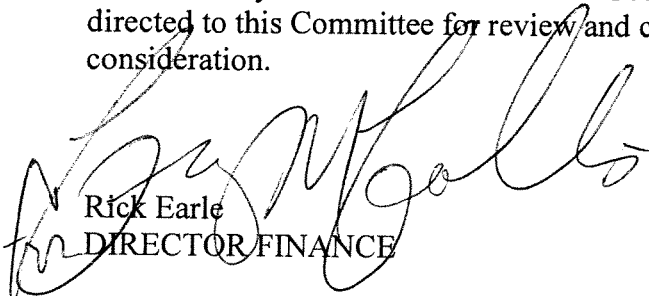
Committee recommendation to address report of concern for passenger safety relating to accessible service.

Other provisions

The proposed bylaw will also contain typical administrative provisions and operational requirements that are currently addressed in taxi bylaws. For example, these provisions will relate to compliance requirements, bylaw enforcement, appeal of enforcement, taxi recognition, taxi meters, vehicle lighting, owner and driver responsibilities, business locations and access to information.

Bylaw process

The Community Charter stipulates that before adopting a bylaw that regulates business, Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make submissions to Council. Notice will be advertised in local print media and issued directly to affected taxi companies. As a number of taxi issues are currently considered by Executive Committee of Council, it is recommended that the submissions be directed to this Committee for review and coordination into a future report for Council consideration.



Rick Earle
DIRECTOR FINANCE

CMC:dy

cc: City Manager
O.I.C., R.C.M.P.
Director Planning & Building
City Solicitor