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APPROVED AS TO FORM AND LEGALITY

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OAKLAND CITY COUNCIL

ORDINANCE NO. 13161 C.M.S.

ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (OMC)
CHAPTER 5.64 (TAXICABS) TO

- A) ESTABLISH CRITERIA, AS REQUIRED BY STATE LAW, TO INVESTIGATE UNPERMITTED TAXICAB OPERATIONS;
- B) CLARIFY PROVISIONS REGARDING USE OF CREDIT CARDS;
- C) REMOVAL OF DISPATCH SERVICE REQUIREMENT FOR COMPANIES WITH FEWER THAN FIVE TAXIS;
- D) ADD OPTION OF ELECTRONIC WAYBILLS FOR DOCUMENTING TAXI USAGE
- E) ESTABLISH A FLEET OF RAMPED TAXIS FOR TRANSPORTING PASSENGERS WITH DISABILITIES AND A RATIO OF SUCH TAXIS TO OAKLAND'S REGULAR TAXIS;
- F) ESTABLISH VEHICLE AGE AND ALTERNATIVE FUEL REQUIREMENTS
- G) AUTHORIZE THE CITY ADMINISTRATOR TO PROMULGATE STANDARDS OF COMPORTMENT FOR DRIVERS AND TO PROVIDE FOR PERMIT SUSPENSION, REVOCATION, AND NON-RENEWAL ON THE BASIS OF VIOLATIONS; and
- H) ELIMINATE EXPIRED SECTION OF OMC CHAPTER 5.64

WHEREAS, the protection of the public health and safety are the paramount considerations in the interpretation and enforcement of taxicab regulations; and

WHEREAS, in response to statewide problems of unpermitted taxi operators, the State has authorized cities to investigate unpermitted taxi operations; and

WHEREAS, the State requires cities to establish criteria for the type of information that is sufficient to warrant and investigation; and

WHEREAS, if an investigation determines that a taxi operator is operating without a permit, a fine of up to \$5,000 may be assessed; and

WHEREAS, State law also authorizes civil and criminal prosecution of unpermitted taxi operations; and

WHEREAS, State law provides for removing the telephone service of unpermitted taxi operations; and

WHEREAS, conflicting provisions for handling credit cards inadvertently were included in amendments to the ordinance adopted in 2008, due to clerical error; and

WHEREAS, the fairest method of allocating the charges imposed by credit card companies is the option of allowing taxi companies to pass on to drivers the actual charge for the use of credit cards; and

WHEREAS, the current provision requiring all taxi companies to employ a radio-dispatching service predates the general usage of cell phones as the primary dispatch method for small taxi companies; and

WHEREAS, the current provision requiring the maintenance of manual waybills predates the availability of electronic tracking systems of taxicab usage; and

WHEREAS, electronic records of taxicab usage provide more accurate information than manual records; and

WHEREAS, taxicabs are an important transportation option for persons with disabilities; and

WHEREAS, the Ordinance currently has no requirement for ramped taxis capable of transporting passengers in wheelchairs; and

WHEREAS, Oakland's disability consultants recommend a ratio of one (1) ramped taxi vehicle for every twenty (20) regular vehicles; and

WHEREAS, criminal conviction is currently the only basis expressly identified in the Ordinance for denying the renewal of the permit of taxi drivers who otherwise meet the permitting standards; and

WHEREAS, the City Administer has recently received credible reports of repeated instances of intimidating and abusive behavior by a small minority of taxi drivers; and

WHEREAS, the ability to promulgate driver standards of conduct would provide the City with the ability to suspend, revoke, or deny the renewal of permits when drivers violate the standards, thereby protecting the safety of other drivers and taxi customers; and

WHEREAS, the Section 5.64.135 currently does not reference Chapters 1.08 and 1.16 as available mechanisms for enforcement of Chapter 5.64; and

WHEREAS, sections of the Chapter that have expired should be eliminated to avoid confusion;

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. It is the intent of the City Council in enacting this Ordinance to improve the safety of Oakland's taxicab industry, the availability of taxis to residents and visitors, and the quality of the consumer's experience with Oakland taxicabs.

SECTION 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 3. The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), including under Section 15061(b)(3) of the State CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

SECTION 4. Oakland Municipal Code Chapter 5.64 is hereby amended to read as follows:

Chapter 5.64 - TAXICABS

Sections:

- 5.64.010 - Title.
- 5.64.020 - Findings and purpose.
- 5.64.030 - Definitions.
- 5.64.040 - Fleet management permit.
- 5.64.050 - Vehicle permit.
- 5.64.055 - Operating permit.
- 5.64.060 - Spare taxicabs.
- 5.64.070 - Driver permits.
- 5.64.075 - Temporary driver permit.
- 5.64.080 - Permit administration.
- 5.64.090 - Insurance requirements.
- 5.64.095 - Controlled substance and alcohol testing certification program.
- 5.64.100 - Fare structure.
- 5.64.110 - Public convenience and necessity.
- 5.64.120 - Taxicab stands.
- 5.64.130 - Taxicabs from other municipalities.
- 5.64.135 - Violations.
- 5.64.140 - Temporary freeze on fees charged by taxi companies for lease of cabs.

5.64.010 – Title.

This chapter shall be known as the taxicab standards ordinance.

(Ord. 12034 § 1 (part), 1998; prior code § 5-29.1)

5.64.020 – Findings and purpose.

The City Council of Oakland does find that:

- A. Taxicabs provide an essential component of the public transit system which serves the City; and
- B. Taxicabs are operated by private companies which utilize public rights-of-way in the delivery of their service; and
- C. Appropriate efforts must be undertaken to ensure that taxicab companies, their employees, and drivers take all reasonable actions to ensure protection of the public health and safety when providing taxicab services; and
- D. The City's administration of taxicab regulations should not unduly burden the taxicab industry; however, the protection of the public health and safety shall be deemed paramount in the enforcement and interpretation of taxicab regulations.

5.64.030 – Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Alternative Fuel Vehicles" shall mean Vehicles powered by natural gas, propane, ethanol, methanol, gasoline (when used in hybrid electric vehicles only), hydrogen, electricity, fuel cells, or advanced technologies that do not rely on gasoline or diesel fuel or that are powered by a combination of two or more alternate fuels. Alternative Fuel Vehicles include "hybrid" or "bi-fuel" Vehicles powered in part by petroleum gasoline and Vehicles converted from one powered by petroleum gasoline.

"Chief of Police" shall mean the Chief of Police or his or her designee.

"City Administrator" means City Administrator or his or her designee.

"Driver" means every person driving a taxicab as defined by this chapter.

"Driver permit" means the annual permit issued by the City Administrator which authorizes the recipient to drive a taxicab for a specified fleet manager within the City.

"Fleet management permit" means the permit issued by the City Administrator which authorizes the overall operation and management of all taxicabs using the same name and vehicle color combinations.

"Fleet manager" means that person designated by the holder of the fleet management permit as the person responsible for all operations under the fleet management permit.

"Operating permit" means the permit, issued by the City Administrator, which evidences that a vehicle designated by the City Administrator to operate for a specific fleet has been inspected and certified to operate as a taxicab.

"Owner" means any person, partnership, cooperative, corporation, firm, or association who is named as the registered owner of a vehicle which is used as a taxicab in the City, including but not limited to, receivers or trustees appointed by any court.

"Public Works Agency" means the Director of Public Works or his or her designee.

"Ramped Taxi" means a taxi, defined below, which is a minivan or similar vehicle specially adapted with ramp and/or lift access for wheelchair users, which is also equipped with a taximeter, and which prioritizes requests for service from wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

"Taxicab" means every passenger vehicle designed for carrying not more than eight persons, excluding the driver, used to carry passengers for hire, and which is operated at rates per mile or upon a waiting time basis or both.

"Taxicab" does not include ambulance vans ("ambuvans") or limousines.

"Taximeter" means a mechanical or electronic device by which the charge for the hire of a taxicab is automatically calculated, either for distance traveled or for waiting time, or both, and upon which such charge is plainly registered by means of figures indicating dollars and cents and which is visible in the rear passenger compartment.

"Vehicle permit" means the permit issued by the City Administrator to qualified taxicab owners which authorizes them to operate taxicab vehicles meeting established standards within the City.

5.64.040 – Fleet management permit.

- A. It is unlawful for any person, partnership, cooperative, corporation, firm, or association to engage in the business of operating or managing a taxicab company, fleet, or taxi service in the City without first obtaining a fleet management permit as specified by this section.
- B. Application for a fleet management permit shall be filed with the City Administrator. The form and contents of such application shall be specified by the City Administrator; however, the following shall constitute the minimum requirements to qualify for a fleet management permit:

1. Proof that the fleet management permit applicant has insurance which satisfies the requirements of Section 5.64.090 and which is adequate to cover all vehicles permitted under the name and vehicle colors for which the applicant is responsible;

2. Designation of a manager to whom all correspondence and official notices may be directed and who is authorized to and is responsible for the conduct of all business with City officials charged with enforcing the provisions of this chapter. The fleet manager is subject to the approval of the City Administrator and shall be subject to the same requirements as permit holders under Subsections 5.64.080 E. and F.;

3. Disclosure of the names, residence, and business addresses of the designated manager, all directors, officers, partners, and associates directly or indirectly holding a financial interest in the applicant and the proposed fleet management permit. A copy of the current, valid fictitious business name certificate under which the applicant does, or intends to do, business;

4. A complete description of the fleet's proposed operations, including, for all fleets consisting of more than five vehicles, a radio-dispatching service provided either by the applicant or another party under contract, including all licenses for the operation of all radios whether directly or by contract. Failure to operate according to the proposed terms shall be considered a violation of this chapter;

a. In lieu of a dispatch radio system, the City Administrator's designee may accept an alternative method for dispatching vehicles if a Fleet Manager can provide a suitable communications system alternative to radios. Such system must be approved for use by the City Administrator's designee before implementation.

5. Authorization from the City Administrator to use a proposed color scheme for each vehicle in the fleet;

6. Proof that the fleet's operations are conducted in conformance with zoning laws;

7. A list of all vehicle permits that the fleet management permittee will manage.

C. Fleet management permittees are required to maintain for a period of not less than one year all records pertaining to the fleet manager's operation and management, including but not limited to all waybills completed by drivers or alternative waybill information approved in advance by the City Administrator, all dispatch logs for fleets consisting of more than five vehicles, all vehicle inspection records, driver training records, passenger complaints, citation records, leasing records, and insurance records. Fleet managers shall make available for inspection,

Monday through Friday from 9:00 a.m. to 5:00 p.m., all such records. Fleet managers shall take reasonable efforts to ensure the completeness and accuracy of all records. Any records which are determined to be inadequate, inaccurate or any request which is not complied with may result in the suspension or revocation of the fleet management permit pursuant to Section 5.64.080.

- D. Fleet management permittees shall be responsible for all aspects of the fleet management and day-to-day management operations, including but not limited to drivers and vehicles operated under the fleet management permit. Any violation of any provision of this chapter by a driver or vehicle may be grounds for suspension or revocation of the fleet management permit pursuant to Section 5.64.080, and any violation by a driver or vehicle may also be imputed to the fleet management permittee for the purposes of prosecution of violations pursuant to Section 5.64.135;
 - 1. Fleet managers shall provide to drivers receipts for all fees collected from said drivers.
 - 2. Upon driver request, fleet managers shall provide all information and documentation on insurance claims filed or processed for accidents and/or other vehicle damage in which said driver was involved.
- E. The City Administrator may deny the granting of any fleet management permit if the applicant has been convicted of any crime, taking into consideration the nature and circumstance of the conviction, the age of the applicant at the time of conviction, the time elapsed since the conviction, and any evidence of rehabilitation.
- F. Fleet management permits issued under the provisions of this chapter shall be effective for the calendar year for which the permit is issued only. All fleet management permits shall expire on December 31st of the year for which the permit is issued. Fleet management permits must be renewed annually by the fleet management permittee by submitting a completed application with required documents as set forth in this section no later than November 15th.
- G. Any person, partnership, cooperative, corporation, firm, or association in receipt of a fleet management permit shall designate one person as the fleet manager. The fleet manager shall be jointly and severally liable with the fleet management permittee for all acts and omissions arising from the operation of the fleet.
- H. Fleets consisting of ten or more vehicles shall provide taxi coverage to all parts of the City 24 hours per day, seven days per week. The City Administrator shall divide the City into geographic areas and determine the required level of coverage for each area and time of day. In establishing these requirements the City Administrator, or authorized designee, shall consider the number of vehicle

4. Dirt, broken fixtures, or other conditions in the passenger compartments which could soil or tear a patron's clothes;

5. Rust, dents, or tips in the vehicle's exterior which are more than trivial, or missing components, including, but not limited to, chrome, rubber strips, or other component parts which might snag tear, or injure a driver, pedestrian, or passenger. Any such damage will be considered to be more than trivial when single or multiple areas of damage affect an aggregate area of at least three linear feet of the cab exterior. The measurement of each damaged area will be taken between the two most widely spread points of the affected surface;

6. Dirty luggage compartments or luggage compartments which are maintained in condition which would soil or damage baggage;

7. Driver or passenger compartments which have litter or trash;

8. Torn or improperly repaired upholstery, headliners or floor covering;

9. Re-tread tires;

10. Safety standards as published pursuant to the provisions of subsection B.

D. All taxicabs operating within the City shall have signs containing the following information permanently affixed to the vehicle:

1. On the exterior sides of the vehicle shall appear the name of the fleet management permittee, the insignia of such permittee, and the telephone number of the fleet management permittee. The size and location of vehicle numbers shall be designated by the City Administrator.

2. On the exterior and interior sides of the vehicle shall appear the vehicle permit number in a size specified by the City Administrator.

3. On the exterior sides of the vehicle, and within the interior of the vehicle in a location readily visible to the passenger, shall appear a sign which states "Driver carries only \$5.00 in change."

4. Within the interior of the vehicle, and in a location readily visible to the passenger, shall appear a sign which states the name of the fleet management permittee, such permittee's address and telephone number, and the vehicle number. The name of the driver shall be posted on a sign, readily visible to the passenger, following the words, "Your driver is". The fares authorized by this chapter shall be listed and the sign shall state, "Drivers may collect only these

posted fares." In addition the sign shall state Oakland City Administrator's Office, Business Permits Unit, 1 Frank H. Ogawa Plaza, 11th Floor, Oakland, CA 94612 (510) 777-8527. Such sign shall be no smaller than eight by ten inches in size.

5. Within the interior of the vehicle, and in a location readily visible to the passenger, shall appear a sign titled Passenger's Bill of Rights. It shall include the following:

- a. You have the right to be treated courteously.
- b. You have the right to be taken to your destination by the most expeditious route.
- c. You have the right to be picked up and dropped off at a safe location.
- d. You have the right to have your baggage, not exceeding 50 pounds, placed in the trunk of the taxi.
- e. You have the right to pay only the posted fare. Tipping for good service is encouraged.
- f. Passengers with disabilities have the right, upon request, to be assisted entering and exiting the taxi.
- g. Passengers with disabilities have the right to be accompanied by qualified service animals.

In addition the sign shall state, "Complaints and comments may be filed with the Oakland City Administrator. Please specify the vehicle number and driver name." The telephone numbers and email address of the City Administrator or designee shall be included on the signs.

6. All vehicles shall carry complete maps of Alameda County.

7. Within the interior of the vehicle shall appear a copy of the operating permit. The form, contents, and location of the operating permit shall be designated by the City Administrator. A vehicle permittee shall be issued a decal for each vehicle upon full completion of the annual vehicle permit renewal and vehicle inspection.

E. *Vehicle Age and Alternative Fuel Requirements*

1. **Vehicle Age.** By December 31, 2017 each vehicle operating within the City of Oakland shall be not more than seven (7) years old (measured from the date of first manufacture) or less. Operating Permit Holder may, with the permission of the City Administrator's Office, which permission shall not be unreasonably withheld, temporarily substitute another Vehicle; provided that any such temporary substitution shall comply with all other operating permit specification and inspection requirements set forth in section 5.64.060.

5.64.060 -- Spare taxicabs.

- A.** Every taxicab fleet management permittee under this chapter shall be entitled to one spare taxicab permit for every five vehicle permits registered with the City Administrator as operated by or in association with such taxicab fleet management permittee as determined by the City Administrator annually commencing on January 1, 1988; provided, however, that every taxicab fleet management permittee shall be entitled to a minimum of one spare taxicab permit. In determining the number of space taxicab permits to which a fleet management permittee is entitled, such permittee shall receive one additional spare taxicab permit if the number of vehicle permits registered for such permittee is three or four permits greater than any number evenly divisible by the number five. Each such permit may be utilized only with a taxicab vehicle registered with the City Administrator and operated under the provisions of this chapter. Such permits shall not be transferable or assignable either expressly or by operation of law.
- B.** Spare taxicab permits may be used only when:
1. A spare taxicab authorization order has been issued by the City Administrator based on a temporary public transportation need which justification shall be set forth specifically in the order, or
 2. A fleet manager notifies the City Administrator in such form as the City Administrator may require that a specifically identified regularly permitted taxicab is out of service and that a specifically identified designated spare taxicab vehicle shall replace it.
- C.** Spare taxicab authorization orders issued by the City Administrator shall activate all spare taxicab permits and shall be given in writing and filed with the City Administrator. Holders of spare taxicab permits may be notified orally, by telephone, telegram, facsimile, or by any other convenient means of communication that such an order has been issued and filed. Such orders shall specify an effective time and date and a termination time and date, but shall remain in effect in no case for duration greater than ten consecutive days. Spare taxicab authorization orders may be extended beyond a ten consecutive day duration only with the written concurrence of the City Administrator.
- D.** Every spare taxicab vehicle for which a permit is issued shall be inspected at least once each year on a schedule determined by the City Administrator under the standards set forth in Section 5.64.055 and also shall be subject to spot inspections under the provisions of Subsection 5.64.055 E.
- E.** No spare taxicab shall be operated unless at the time such vehicle is placed in service, and at all times while such vehicle remains in service, it is covered by a policy of insurance in such amount(s) as shall satisfy the requirements of Section 5.64.090.

- F. The medallion as described in Section 5.64.050 shall be placed in the spare taxicab when that spare taxicab is in operation as authorized by the City Administrator.

5.64.070 – Driver permits.

- A. It is unlawful for any person to drive a taxicab for hire within the City without first obtaining a driver permit as specified in this section.
- B. Application for a driver permit shall be filed with the City Administrator. The form and contents of the application shall be specified by the City Administrator; however, the following constitute the minimum requirements to qualify for a driver permit:
1. Presentation and maintenance of a valid California driver's license;
 2. Written acknowledgment by the manager of a permitted fleet management permittee that the applicant is authorized to drive vehicles operated and managed by that permittee;
 3. Proof of completion of a training course approved by the City Administrator including but not limited to training in knowledge of Oakland, safety, appearance, customer relations, and transporting passengers with disabilities.
 4. Satisfactory completion of an examination approved by the City Administrator demonstrating knowledge of the streets, ways and principal public places in Oakland, the traffic regulations of the City, and the provisions of this chapter. All taxicab drivers shall receive and provide proof of training annually on safety, appearance, customer relations, transporting passengers with disabilities, and promoting the City;
 5. Evidence that the driver is covered under the insurance policy covering the fleet management permittee under whom the driver operates;
 6. Evidence that the applicant will be an employee of a fleet management permittee and has an offer of employment from a fleet management permittee unless the applicant himself or herself is an individual holding a fleet management permit;
 7. Evidence that a person has tested negative for drugs and alcohol through an approved drug and alcohol testing provider within 30 days prior to submitting their driver permit application. A positive test result is grounds for denial or revocation of a driver permit;

Q. Each driver permit issued pursuant to this section must state the fleet management permittee's name on the face of the permit. In the event the taxi driver's employment is terminated for any reason, such driver permit shall be void. The City Administrator shall be notified within ten days of the termination of employment of any permitted driver, and the driver permit must be returned to the City Administrator.

R. The City Administrator is authorized to promulgate regulations regarding driver conduct and comportment to promote professional conduct and appearance, to ensure the safety, health and wellbeing of passengers, other drivers, and the citizenry at large and to provide standards for rational and courteous behavior.

1. Upon receipt of credible allegations of violation of the regulations, the City Administrator shall provide drivers with written notice of the violation, of the driver's right to contest the allegation in writing, and of the potential for revocation and/or non-renewal of the driver permit on the basis of multiple uncontested or confirmed violations.

2. The City Administrator shall review contested violations and confirm or dismiss the violation on the basis of the preponderance of the evidence.

3. An uncontested or confirmed violation is the basis for the City Administrator to suspend the driver's permit for a period not to exceed ten (10) days.

4. A second or greater uncontested or confirmed violation is the basis for the City Administrator to revoke and/or deny the renewal of the driver's permit, based upon the totality of the circumstances.

S. Denial of a driver permit application is a final decision and nonappealable. An applicant whose driver permit application is denied must wait 60 days from the date of a denial before he/she may reapply. Any application received prior to the 60-day expiration period will not be acted upon until expiration of the 60-day period.

5.64.075 – Temporary driver permit.

The City Administrator may grant a 90-day temporary driver permit to an individual whose application for a permanent driver permit is pending. A temporary driver permit shall be in the possession of the applicant while operating a taxicab. Temporary driver permits may not be extended beyond the 90-day period.

5.64.080 – Permit administration.

A. The City Administrator is designated as having responsibility for the administration of the City's taxicab regulations. The City Administrator is authorized to develop standards and procedures which are necessary to implement

the requirements of this chapter. Because of the special requirements of the taxicab industry, the issuance of permits specified in this chapter shall not be subject, with the exception of Section 5.64.090, to the provisions of Chapter 5.02, unless specifically so provided in this chapter.

- B. Any person, partnership, cooperative, corporation, firm, or association is entitled to apply for a fleet management permit, a vehicle permit, or a spare taxicab permit. Any natural person is entitled to apply for a driver permit. A separate application is required for each permit specified in this chapter. Each permit application must be accompanied by the appropriate fee as specified in the master fee schedule and shall be payable to the City.
- C.
 - 1. Every fleet management permittee shall notify the City Administrator of any change in the information originally supplied on the permittee's permit application form within ten days of any such change.
 - 2. Fleet management permits shall expire upon the failure to pay the annual City business tax.
 - 3. Application for renewal of any permit issued under the provisions of this chapter shall be made in the conformity with, and shall contain such information as may be required by, rules prescribed by the City Administrator. Each renewal application must be accompanied by the appropriate fee specified in the master fee schedule and shall be payable to the City.
- D. The City Administrator shall have the discretion to impose the penalties specified by this chapter or to revoke or suspend any permit issued under this chapter for good cause, after a hearing. "Good cause" shall include, but shall not be limited to, violations of this chapter or standards promulgated by the City Administrator pursuant to the provisions hereof, or violations of the California Vehicle Code, or violations of pertinent federal, state, or local laws. Such hearings shall be noticed and held pursuant to Sections 5.02.080, 5.02.090, and 5.02.100.
- E. Vehicle, operating or fleet management permits issued under the provisions of this chapter may be revoked or suspended according to the provisions of Sections 5.02.080, 5.02.090, and 5.02.100. Any vehicle permit that is not used in Oakland for more than 15 days in any 30-day period may be revoked pursuant to the foregoing sections unless good cause for abandonment is shown. Any permit revoked under this provision may be reissued by the City Administrator, awarded upon criteria established by a request for proposals (RFP), after 120 days.
- F. If, in the judgment of the Chief of Police or the Public Works Agency, suspension of any permit specified in this chapter is necessary to protect the public health and safety, including but not limited to compliance with the insurance requirements of

policy, or both, to replace such policies within ten days with other policies which meet the requirements established by this chapter. If the owner, fleet management company, or both fails to replace the insurance policy or policies within the said ten-day period with sufficient policies the City Administrator may then continue to suspend or revoke the permits issued to the owner, fleet management permittee, or both in accordance with section 5.64.080.

In the event that an insurer has amended or changed a policy four times from the date of its issuance, the fleet management permittee shall be required to file a new, reissued insurance policy with the City Administrator within 30 days after the effective date of any fourth amendment or change.

- E. The following endorsement shall be made a part of the comprehensive motor vehicle liability policy in the exact language listed below:

The city, its Council members, officers, agents, and employees are hereby added as additional insureds.

- F. Every fleet management permittee or holder of a vehicle permit shall provide to the City Administrator written notice within ten days of any final judgment being entered against him or her or against any taxicab company or vehicle under his or her control if that judgment arises from any accident or injury occurring within the limits of the City or if the person injured entered an Oakland permitted taxicab in the City regardless of where the accident occurred. Failure to provide such notice is grounds for revocation of the fleet management permit or vehicle permit in accordance with Section 5.64.080. Failure of a fleet management permittee or taxi vehicle permittee to satisfy a final judgment arising under the conditions heretofore set forth herein within six months of entry of such judgment shall be grounds for revoking the fleet management permit under which the vehicle permittee operated, revoking the vehicle permit, or both.

- G. Failure to comply with the insurance requirements set forth in this section shall be grounds for revocation pursuant to Section 5.64.080.

5.64.095 – Controlled substance and alcohol testing certification program.

Pursuant to California Government Code Section 53075.5(E)(3)(A), a mandatory controlled substance and alcohol testing certification program in compliance with the terms and procedures set forth in Title 49 of the Code of Federal Regulations Part 40, Section 40.1 through 40.111 is added to and incorporated in this chapter by reference as if fully set forth in this provision.

5.64.100 – Fare structure.

- A. Rates, fares, and charges for taxicabs and taxicab service shall be as set by the City Council by ordinance.

Effective July 1, 2008:	
Flag drop (excluding mileage)	\$3.20
Mileage	29¢ each 1/10 mile
Waiting time	\$29.00 per hour
Minimum fare	Greater of \$5.00 or taximeter calculated fare
Oakland Airport fee	Fee set by Oakland Airport
Night surcharge	\$1.00 — Trips commencing after 10 p.m. until 6:00 a.m.
Small animal (except service animal)	\$1.00
Additional stops requested	\$1.00
Obtaining change	50¢
Luggage that forces trunk open	\$1.00

- B. Taxicabs may collect any fee that they are mandated by a governmental or regulatory body to pay. Taxicabs may also collect the applicable bridge toll for toll bridges crossed, regardless of whether the crossing is in the direction that charges the toll.
- C. Passengers shall not be charged a fee for the use of credit cards, nor shall drivers be charged more than the fee charged by the credit card company for passengers' use of credit cards.
- D. Upon a determination by the City Administrator that a gasoline surcharge is warranted due to the cost of gasoline, a surcharge of \$1.00 per trip will be put in effect for a 90-day period. A sign at least five inches by seven inches shall be posted in the interior of each taxicab, stating the amount of the surcharge, the beginning and ending dates, the section of this Code upon which the surcharge is based, and a phone number to call to confirm the validity of the surcharge.
- E. The City Administrator may approve lower fares from those heretofore established if such lower fares, including group rides and shared rides, are set forth in a written agreement entered into between any fleet management permittee and programs benefiting persons over the age of 65 or persons whose mobility is restricted as a result of a physical disability. Agreements must be able to be readily monitored by the City Administrator and must result in the reasonable reduction of taxicab fares from those heretofore established to be charged to senior citizens.
- F. Except as authorized under subsection E., no driver shall accept an additional passenger without the prior consent of any passenger who has already hired the taxicab.

- G. It is unlawful for any person to hire any taxicab or to enter and obtain a ride in the same, and to thereafter depart from such taxicab without paying to the driver the legal fare.

5.64.110 – Public convenience and necessity.

No permit to operate a taxicab in the City shall be granted unless there are not already issued and outstanding a number of permits equal to that for which the City Council shall declare that there exists public convenience and necessity. The City Administrator shall hold public hearings before November 1, 1998 on the number of taxicab permits for which public convenience and necessities exists, and hold hearings on each successive second anniversary thereafter. The City Administrator shall report the findings of the public hearing to the City Council. The City Council shall determine whether to accept or reject the recommendation of the City Administrator.

Taxicab vehicle permit applications for permits in addition to those previously authorized by the City Council, shall be accepted following a declaration of public convenience and necessity by the City Council. All taxi vehicle permit applications, including those for previously authorized permits held by the City Administrator, shall be processed and granted or denied on the basis of criteria established by a request for proposals. Under no circumstances shall the number of vehicle permits issued per company or owner, including relatives to the tertiary degree of a company or owner, exceed 30 percent of the total number of permits authorized. However, this section shall not require the surrender of any permits already issued. Each taxicab vehicle permit application shall remain in effect only until the next scheduled hearing on public convenience and necessity, and shall then expire. Nothing in this section shall be deemed to limit or interfere in any way with permits issued and outstanding on the effective date of this provision.

5.64.120 – Taxicab stands.

Upon their approval of the written application, the Traffic Engineer shall designate throughout the City open places to permit any taxicab to stand while awaiting employment. Such application shall state the number of taxicabs for which the permit is sought and the proposed location of such stands. Such application must be accompanied by the written consent of the person primarily affected by reason of the fact that the taxicabs shall stand in front of the premises either owned or occupied by him or her or in which he or she is otherwise interested. Not more than three taxicabs shall be permitted to stand upon either side of a street within the limits of any one block unless otherwise designated by the traffic engineer. No permit shall be issued for any stand to be located within 75 feet of another such stand on the same side of the street unless otherwise designated by the traffic engineer. No fleet manager shall permit any vehicle operated by him or her and no driver shall cause any such vehicle to stand while awaiting employment in any place other than a stand designated by the Traffic Engineer. It is unlawful for the driver of any vehicle, other than a driver of a taxicab to park or leave standing such vehicle in any taxicab stand. The Traffic Engineer shall identify all such stands with a posted distinctive sign, identifying the space and shall have the curb

adjacent to the stand painted white. The cost of taxi stand identification and maintenance shall be determined by Traffic Maintenance and established in the master fee schedule, prorated over the total number of vehicle permits, and collected in the annual vehicle permit process.

5.64.130 – Taxicabs from other municipalities.

The driver of a taxicab authorized to operate in any municipality other than the City may transport passengers from such municipality to a destination within or beyond the City limits, provided that the driver of such taxicab shall not seek or accept passengers within the City.

5.64.135 – Violations.

- A. If the City Administrator or his/her designee determines that a violation of this chapter has occurred, he/she may issue an administrative citation, pursuant to Chapters 1.08, 1.12, and/or 1.16. Such citation may be issued in addition to any other applicable legal, injunctive, or equitable remedies.
- B. The recipient of an administrative citation may request an administrative hearing to adjudicate any penalties issued under this chapter by filing a written request with the City Administrator, or his or her designee. The City Administrator, or his or her designee, will promulgate standards and procedures for requesting and conducting an administrative hearing under this chapter. Any determination from the administrative hearing on penalties issued under this chapter will be final and conclusive.

SECTION 5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full force and effect.

SECTION 6. This Ordinance shall be effective _____, upon approval by the City Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 21 2013, 20____

PASSED BY THE FOLLOWING VOTE:

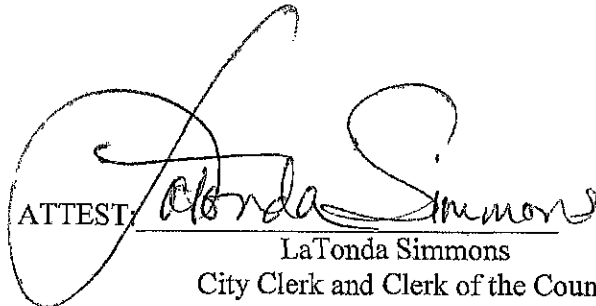
AYES - ~~Brooks~~, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAFF, and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

ATTEST


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date **MAY 7 2013**