

Taxi Cab Safety Bylaw - Suggested Changes and Considerations**Report Purpose**

To obtain Council direction on proposed changes to Bylaw 20-2013, the Taxi Cab Safety Bylaw.

Recommendation

THAT Administration return to the January 17, 2017 Council meeting with a proposed bylaw to amend or replace the Taxi Cab Safety Bylaw taking into account the considerations raised by Council.

Council History

October 7, 2014 - Council gave third reading to Bylaw 20-2013

July 1, 2015 - Bylaw 20-2013 came into effect.

July 19, 2016 - Council approved that the Taxi Cab Safety Bylaw Update be postponed to the September 13, 2016 Council Meeting.

September 13, 2016 - Council directed that Administration conduct a review of Bylaw 20-2013, the Taxi Cab Safety Bylaw, and prepare recommended amendments for Council's consideration, by the end of the fourth quarter of 2016.

Strategic Plan Priority Areas

Economy: n/a

Governance: Ongoing review of bylaws is a best practice for municipalities.

Social: Vehicles for hire, including taxis, provide a necessary means of transportation for residents of Strathcona County. The safety of passengers and drivers is of significant importance.

Culture: n/a

Environment: n/a

Other Impacts

Policy: n/a

Legislative/Legal: The *Municipal Government Act*, RSA 2000, c M-26, authorizes Council to pass and amend bylaws respecting various matters. The Province has passed Alberta Regulation 100/2016 to regulate Transportation Network Companies.

Interdepartmental: Legislative and Legal Services has conducted the review of Bylaw 20-2013, and Enforcement Services, Communications, Transit, and Corporate Planning and Intergovernmental Affairs have each been involved in assisting Legislative and Legal Services with parts of the review of Bylaw 20-2013.

Summary

At its meeting on September 13, 2016, Council directed Administration to conduct a review of Bylaw 20-2013 and prepare recommended amendments for Council's consideration.

Administration has completed its review, and has identified certain issues on which it seeks Council's further direction, prior to bringing a bylaw forward for readings.

Suggested Changes to Bylaw 20-2013 / Replacement Bylaw

Administration has prepared a replacement bylaw for Council's consideration that is attached as Enclosure 1 (the "Proposed Bylaw"). A chart detailing the similarities and differences between Bylaw 20-2013 (the "Current Bylaw") and the Proposed Bylaw is attached as Enclosure 2. These changes have been proposed to address confusion over applicability and enforcement difficulties. The Proposed Bylaw does not change any requirements with respect to obtaining a development permit for a fleet service operating from Strathcona County under the Land Use Bylaw.

The fees payable under the Proposed Bylaw are detailed in Enclosure 3. A comparison of the fees payable under the Current Bylaw and the Proposed Bylaw is detailed below.

Fee Type	Current Bylaw	Proposed Bylaw
Taxi Cab Permit / Vehicle Permit	\$450 (annual)	\$450 (annual)
Taxi Driver Permit / Driver's Permit	\$100 (every 2 years)	\$50 (annual)
Permit Replacement	\$50	\$50
Notice of Appeal Filing Fee	n/a	\$150

An additional fee of \$150 has been added for filing a Notice of Appeal. An appeal or review filing fee of \$150 is imposed on appeals and reviews filed with Strathcona County's Subdivision and Development Appeal Board and its Bylaw Enforcement Order Review Committee. Accordingly, it is equitable to impose the same fee for appeals to the General Appeals and Review Committee.

A summary of the offences and corresponding fines under the Proposed Bylaw are listed in Enclosure 4. The most notable changes are that all subsequent offences result in an increased fine, and the fine for operating without a driver's permit is increased from \$500 to \$1000. The increased fines help ensure the fines act as a strong deterrent to persons considering not obtaining the required permits, or otherwise contravening the Proposed Bylaw, which in turn helps ensure the safety of passengers.

Status of Neighbouring and Similar Municipalities

Administration has researched the status of permitting of vehicles for hire in neighbouring and similar municipalities. A report on the findings of this research is attached as Enclosure 6. All Alberta municipalities with populations of over 100,000 have enacted taxi or vehicle for hire bylaws.

Regulation of Safety related to Vehicles

At present Bylaw 20-2013 (the "Current Bylaw") regulates only those vehicles that meet the definition of a 'Taxi'. Accordingly, not all of the vehicles participating in the vehicle for hire industry are subject to the Current Bylaw. Specifically, permits are not required for limousines, transportation network automobiles, and shuttles. Obtaining a permit for a taxi requires, among other things, proof of items including that the vehicle has a valid provincial registration certificate, insurance policy, and has undergone mechanical inspection. Since these other vehicles are not currently required to obtain a permit, the assurance that a permit provides to a potential passenger of a taxi is not available to a potential passenger of a limousine, transportation network automobile, or shuttle.

Administration recognizes that limousines, transportation network automobiles, and shuttles each play a different role within the vehicle for hire industry. Of those three vehicle categories Administration suggests that transportation network automobiles provide the service most similar to that provided by taxis.

Administration recommends that Council give the following direction:

- That Administration include in the Proposed Bylaw provisions necessary to ensure that transportation network automobiles are included as vehicles for hire and require a vehicle permit.

Alternatively, Council may wish to have all vehicles for hire require a vehicle permit. In such instance, Administration recommends that Council direct as follows:

- That Administration include in the Proposed Bylaw provisions necessary to ensure that limousines, transportation network automobiles, and shuttles are included as vehicles for hire and require a vehicle permit.

In the event that Council directs that a permit be obtained for a transportation network automobile, Administration will also make any changes needed to ensure that the application process does not require submission of items already regulated under the *Transportation Network Companies Regulation*, Alta Reg 100/2016, a copy of which is attached as Enclosure 5 (the "TNC Regulation"). Specifically, the requirement for transportation network automobiles to be covered by certain insurance policies is set out in detail in the TNC Regulation and does not need to be duplicated in the Proposed Bylaw.

Regulation of Safety related to Drivers

At present the Current Bylaw regulates only those drivers that operate a taxi. Accordingly, not all of the drivers participating in the vehicle for hire industry are subject to the Current Bylaw. Specifically, permits are not required for the drivers of limousines, transportation network automobiles, and shuttles. Obtaining a driver's permit requires, among other things, proof of a valid provincial operator's licence and a criminal record check and vulnerable sector search. Since the drivers of these other vehicles are not currently required to obtain a permit, the assurance that a permit provides to a potential passenger of a taxi is not available to a potential passenger of a limousine, transportation network automobile, or shuttle.

Drivers of Transportation Network Automobiles

Drivers of transportation network automobiles are regulated in the TNC Regulation. The requirements in the TNC Regulation are very similar to the requirements in the Proposed Bylaw. The TNC Regulation requires that a transportation network company ensure that all its transportation network drivers have a valid provincial operator's licence (Section 4(1)), and a police information check and vulnerable sector search issued within the previous 12 months (Sections 4(2) and 4(3)). The TNC Regulation expressly indicates the convictions and charges that will prevent a driver from being authorized to operate as a transportation network driver. These offences include those of a violent nature, such as sexual assault.

If Council wishes to require that transportation network automobiles obtain vehicle permits, a driver's permit should not be required under the Proposed Bylaw, as this is already within the TNC Regulation.

Drivers of Limousines and Shuttles

If Council wishes to require that limousines and shuttles obtain vehicle permits, Administration recommends that drivers of limousines and shuttles be required to obtain a driver's permit under the Proposed Bylaw.

Status of Accessible Transportation for Residents of Strathcona County

As part of its review Administration considered the operation of accessible vehicles for hire within Strathcona County.

Strathcona County Mobility Bus

Strathcona County previously recognized the need for the provision of transportation services for certain of its residents by way of the Strathcona County Mobility Bus. The Mobility Bus is a door-to-door, shared ride, accessible public transit service operated by Strathcona County. It is intended for persons who, due to physical or functional limitation, cannot use the regular public transit service provided by Strathcona County. Mobility Bus trips must be arranged in advance and are scheduled to allow as many riders

as possible to get to their destinations on time and efficiently. Further information related to the Mobility Bus, including client feedback, is included as Enclosure 7.

Taxis and Other Private Transportation Services

Both the Current Bylaw and the Proposed Bylaw require taxi vehicles and drivers to obtain permits in order to operate within Strathcona County. There are other private transportation services offered to residents of Strathcona County that operate outside of the Current Bylaw since they do not meet the definition of a Taxi.

Administration has determined two options Council may wish to consider with respect to the operation of accessible vehicles for hire within Strathcona County.

Option 1: Accessible vehicles and their drivers will be required to obtain vehicle permits and driver's permits, but the fee for such permits will be \$0. This option provides that the safety assurance that a permit provides to potential passengers of an accessible vehicle for hire will be available to these passengers. The downside to this option is that it requires action on the part of those accessible vehicles and drivers to obtain the permits, which may be seen as a barrier to those persons.

Option 2: Accessible vehicles and their drivers are not required to obtain vehicle permits or driver's permits. This option would remove any barriers to the operation of accessible vehicles for hire within Strathcona County, including preventing accessible vehicles for hire from neighbouring municipalities operating within Strathcona County without appropriate permits. The downside to this option is that the assurance that a permit provides to potential passengers of an accessible vehicle for hire will not be available to potential passengers of these accessible vehicles.

Administration notes that the definition of a vehicle for hire in the Proposed Bylaw indicates that if the transportation of a passenger is provided as part of a package of additional goods or services for which there is a fee, then the transportation of the passenger is considered to be in return for a fee unless the transportation is shown to be merely ancillary to the goods or services. Accordingly, if transportation services are merely ancillary to the other goods or services offered, then those vehicles and drivers will not be required to obtain permits under the Proposed Bylaw.

Enclosures

- 1 Proposed Bylaw
- 2 Comparison Chart of Current Bylaw and Proposed Bylaw
- 3 Fees under Proposed Bylaw
- 4 Offences and Fines under Proposed Bylaw
- 5 *Transportation Network Companies Regulation, Alta Reg 100/2016*
- 6 Summary of Neighbouring and Similar Municipalities
- 7 Mobility Bus Information
- 8 PowerPoint Presentation