



Office of the City Manager

INFORMATION CALENDAR
February 19, 2013

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: William Rogers, Deputy City Manager
Subject: Multiple Administrative Citation Penalties for Single Taxicab Violations

INTRODUCTION

This report responds to a September 11, 2012 City Council referral requesting that the City Manager develop a policy to eliminate multiple administrative financial penalties for a single action (by a taxicab driver) that violates Berkeley Municipal Code (BMC) Chapter 9.52.

CURRENT SITUATION AND ITS EFFECTS

In December 2011, City Council adopted Berkeley Municipal Code (BMC) Chapter 9.52 in an effort to address outstanding issues related to Taxicabs (including aggressive and dangerous driving at the Center Street Taxi Stand). Generally, if a taxi driver takes a single action that violates more than one provision of BMC Section 9.52.120 (Standards for Owner and Driver Conduct) or BMC Section 9.52.140 (Taxicab Stands), he/she can be cited for multiple violations for the same act. For example, if a taxi is double parked in the street (i.e. not parked in the taxi lane as required), the ordinance allows the City to cite the driver for double parking, as well as parking outside of a taxi stand, and if applicable, blocking the right of way. Each of these violations has usually carried a fine of \$100.

In response to the September 11 Council referral, the City Manager reviewed and subsequently altered the City's practice regarding administrative citations for taxicabs cited under BMC 9.52.120. The new practice still allows the City to cite Taxi drivers who violate the BMC for simultaneous violations, even if resulting from a single action, but the total administrative citation penalty will be a total of \$100.

However, if a taxi driver takes more than one action that violates the BMC, then he or she will receive a monetary penalty for each such action and each of the violations resulting from a separate action will carry a \$100 fine. For example, if a taxi driver double-parks, he or she would receive a \$100 citation. If he or she is also cited for a second action, e.g. driving backwards down a street, the driver will receive another \$100 citation for the second action. In this case, the driver would receive two \$100 citations – one for double parking and one for driving backwards for a total monetary penalty of \$200.

In order to address concerns about those taxicab drivers who recently received violations or were waiting for an appeal, the City Manager directed the Finance Department to reduce to \$100 any outstanding administrative citations issued to taxicab drivers that contained multiple penalties for a single action. This resulted in the reduction of seven citations from \$300 each to \$100 each; and three citations being reduced from \$200 to \$100. As of September 25, 2012, the administrative citation penalty for taxicab drivers that are illegally parked will be \$100, as will multiple violations caused by a single action. There are currently no outstanding administrative citations with multiple penalties.

POSSIBLE FUTURE ACTION

Staff will monitor this new practice and make adjustments as necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The City may receive less revenue from multiple violation citations associated with BMC Chapter 9.52.

CONTACT PERSON

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