



Office of the City Manager

INFORMATION CALENDAR

December 17, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: William Rogers, Deputy City Manager

Subject: Berkeley Taxi Cab Association

SUMMARY

The Berkeley Taxi Cab Association (BTCA) submitted letters to the City Manager on June 21, July 15 and July 31 2013 expressing dissatisfaction with taxi operations in the City of Berkeley and requesting associated changes. The issues identified in BTCA's most recent letters are similar to those raised in an October 4, 2010 letter from the BTCA to the City Manager. Those issues were addressed and considered resolved by the City at that time and were memorialized in an Information Report to the Council on May 3, 2013. The issues raised by BTCA in their most recent letters and the City's responses are the subject of this Information Item. The BTCA and non-BTCA taxi company owners have also received a copy of this report.

On July 29, 2013, Deputy City Manager William Rogers, Code Enforcement Supervisor Gregory Daniel, and Code Enforcement Officer Gerald Love, met with the Chair and Vice Chair of the BTCA, Ali Said and Sanjay Sharma respectively. The purpose of the meeting was to discuss the issues raised in the June 21 and July 15 letters from BTCA. Staff had questions and concerns about several BTCA's requests. Staff and BTCA were able to discuss several issues, however, staff and the BTCA representatives were unable to reach agreement regarding relocation of a disabled parking space in order to relocate the taxi stand at the International House.

The Code Enforcement Unit is responsible for taxi inspections and enforcement. Staff looked into the issues, allegations and requests brought forth by BTCA and that review is further described below..

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Taxi Cab Association (BTCA) submitted letters to the City Manager on June 21, July 15 and July 31 2013 identifying BTCA discontent with taxi operations in the City of Berkeley and requesting that the City make changes to address the stated concerns. The following is a compilation of the issues raised by BTCA in the three letters followed by the City's response.

I. Permits for Disabled Taxi Service

BTCA asserts that Friendly Cab was provided with three additional taxi vehicle permits in 2003 to provide wheelchair accessible taxi service and claims that Friendly Cab has never provided the wheelchair accessible taxi service authorized by the City Council.

Response

In regard to this claim, Gregory Daniel, Code Enforcement Supervisor made an unannounced visit to the Friendly Cab Company headquarters on August 22, 2013 and met with the manager, Kevin Ito. When Mr. Daniel explained the reason for his visit, Mr. Ito immediately provided Mr. Daniel with copies of dispatch records confirming that Friendly Cab has provided accessible taxi service to Berkeley residents. The records provided by Mr. Ito showed that Friendly Cab had provided accessible taxi service in Berkeley on twenty-one occasions between July 1, 2013 and August 21, 2013.

In regard to the assertion that three additional wheel chair accessible vehicles permits were issued to Friendly Cab, the Code Enforcement Unit conducted vehicle inspections for all taxi vehicles for the year 2013. Of the five accessible taxi vehicle permits authorized by the City Council, four accessible permits were issued to the following companies:

1. American Cab Express #28
2. Friendly Cab #188
3. Friendly Cab #207
4. Eco Friendly Cab # 312

The fifth accessible taxi permit previously held by Welcome Transportation was surrendered to the Finance Department.

The Code Enforcement Unit has not received any other complaints about the provision of accessible taxi service aside from that noted above.

II. Relocation of Center Street Taxi Stand from May 28 – June 7, 2013

BTCA indicates that moving the Center Street Taxi Stand to the temporary location on the west side of Shattuck Avenue for ten days during construction created difficulties including: 1) the Stand was hidden from clients; 2) the temporary taxi stand did not accommodate all the taxi's from the Center Street taxi stand 3) trucks were constantly off loading 4) BART police cars, BART cash delivery and collection trucks and garbage trucks would park in the taxi stand; and 5) Taxi drivers received citations when parked within the official taxi stand.

Response These issues were discussed at the July 29, 2013 meeting. Staff reminded BTCA that the temporary relocation of the Center Street taxi stand was necessary due to construction activity during the 10 day period between May 28 and June 7. BTCA's

request to move the stand to the East side of the street could not be accommodated for a variety of reasons, including lack of feasibility and the required displacement of seven revenue generating parking spaces. In response to BTCA's complaint that the temporary taxi stand on the west side of Shattuck Avenue did not accommodate all the taxi's from the Center Street taxi stand, staff reminded the representatives that there is no location near the downtown BART station that can accommodate a taxi stand equal in size to the Center Street taxi stand.

BTCA claims that citations were issued to taxis while they were in their official taxi stand. During the time that the Center Street taxi stand was relocated to the west side of Shattuck Avenue, taxi drivers were warned on three separate occasions -- twice by Code Enforcement and once by the Berkeley Police Department -- to stop the practice of illegally parking in the red zone outside of the parameters of the taxi stand thus blocking the southbound traffic lane on Shattuck Avenue. Taxi drivers continued to park in the red zone. Consequently, Berkeley Parking Enforcement issued four citations for obstructing traffic.

III. Taxi stand at International House/Bancroft.

BTCA indicated that the taxi stand at the International House had not been installed as of June 21, 2013.

Response

The taxi stand at the International House was authorized by Resolution No. 65,461-N.S. which was approved by the City Council on September 20, 2011. The taxi stand was installed by the Public Works Transportation Division on December 2, 2011.

III(a). Placement of the Stand at International House.

BTCA believes that the placement of the International House Taxi stand serves no purpose to the Taxi Community because it is too far off the perimeter of International House and the taxis are not visible by the residents of the International House

Response

In an October 2010 letter to the City Manager, the BTCA requested a taxi stand at the International House, 2299 Piedmont Avenue. The International House taxi stand was included as part of major amendments to Berkeley Municipal Code Chapter 9.52 (Taxi Ordinance) that were approved by the City Council on September 20, 2011. Resolution 65,461-N.S. authorized the International House taxi stand and clearly identifies the location. A copy of the Council report and proposed resolution were provided to the BTCA and taxi company owners prior to the September 20, 2011 City Council meeting. There were no objections regarding the location of the taxi stand.

The taxi stand is approximately thirty-five feet from the entrance to the International House. The entrance to the International House is elevated above the street which

provides a clear and unobstructed view of the taxi stand for all patrons and residents of the International House.

During the July 29, 2013 meeting the BTCA representatives expressed their desire that the taxi stand be relocated to the disabled parking space so that the taxi stand would be closer to the International House entrance. Relocating a disabled parking space further from an accessible access ramp or accessible equipment would serve to hinder, rather than facilitate, access for disabled persons. For that reason, staff does not support such a relocation.

IV. Hybrid Cabs

BTCA indicated that the taxi community has spent over \$300,000 thus far to purchase 20 Hybrid Taxi Cabs, currently in operation and that there will be more to come.

Response

On October 5, 2011 and October 19, 2011, the Mayor held two meetings with BTCA and non-BTCA member taxi company owner's regarding the environmental impact of the 125 taxi's permitted each year and the need to reduce the pollution caused by taxis in Berkeley. Those meetings resulted in specific standards for low emission vehicles. The City applauds any efforts by taxi companies to reduce pollution and increase the number of low emission taxis operating in Berkeley.

V. Ashby Bart Stand:

BTCA believes its original request was to locate the Ashby BART Taxi Stand behind the bus stop in the 3000 block of Martin Luther King Jr. Way.

Response

Since May 2011, the BTCA has been involved in many discussions regarding the location of the MLK taxi stand. As stated in the September 20, 2011 report to the City Council:

"3100 Block of Martin Luther King Jr. Way – A four vehicle taxi stand will be located adjacent to the west entrance to the BART parking lot. This will allow up to four taxis to wait outside of the BART parking lot and provide easy access for BART patrons."

Further, the resolution proposing the Ashby BART taxi stand states:

"That the area allocated on the east side of Martin Luther King Jr. Way, beginning 12' north from the north curb line extended from Woolsey Street for 80' northerly is hereby designated a joint use taxicab stand zone."

A copy of the Council report and resolution proposing the Ashby BART taxi stand was provided to the BTCA and taxi company owners prior to the September 20, 2011 City Council meeting. There were no objections at that time to the location of the taxi stand. The taxi stand was installed on December 2, 2011. The City received a complaint from the BTCA about the location on January 12, 2012.

In February 2008 the City Manager denied a request by the BTCA for a taxi stand adjacent to a residential area on Woolsey Street. Although the MLK taxi stand is in the Commercial South Area(C-SA) zoning district, it is near seventeen residential buildings. The current placement of the MLK taxi stand is consistent with the City's effort to lessen the impact on residential uses.

Additionally, at the July 29, 2013 meeting, BTCA stated that patrons cannot see the taxi stand from inside the Ashby BART station. In response, Code Enforcement staff conducted a site inspection. The inspection determined that BART patrons exiting the BART station would have difficulty noticing a taxi stand at any location on MLK because the entrance to the BART station is significantly below the street level and is screened by high vegetation along the BART property line. Additionally, for the same reasons, a taxi driver sitting in a taxi at a taxi stand on MLK would have difficulty noticing when a taxi leaves the BART parking lot. The underlying issue appears to be that BART only allows 4 cabs in the parking lot of the station at one time and some cabs don't wait in line at the designated stand but instead pull into the parking lot ahead of those waiting in line. The City does not, and cannot, regulate activities like that on BART property.

VI. Taxi Stands at Hotels

VI(a). Shattuck Hotel.

BTCA renewed its request for a taxi stand at the Shattuck Hotel because (1) only one taxi company benefits from operating at the Shattuck Hotel and (2) all other 120 taxis are prohibited from operating at the Shattuck Hotel.

Response

The City Manager previously addressed this issue in a May 3, 2011 Information Item to the City Council as follows:

Shattuck Hotel – Management of the Shattuck Hotel are not supportive of a taxi stand at their location. It is their experience that the white zone in front of the Shattuck Hotel is heavily used as a loading and unloading zone by hotel patrons and employees assisting hotel patrons and that a taxi stand would significantly interfere with that necessary hotel activity.

The circumstances regarding the heavily used loading and unloading zone has not changed.

In response to the expressed concern that only one cab company is patronized by the Shattuck Hotel, staff at the July 29, 2013 meeting informed the BTCA that it is the sole discretion of Shattuck Hotel management to determine which taxi companies they choose to patronize.

The BTCA also indicated that taxis routinely park illegally in the white zone in front of the Shattuck Hotel and that this illegal activity further underscores the need for a taxi stand. However, staff observes this white zone regularly and has issued no citations to taxis for illegal parking. Since the July 29, 2013 meeting, Code Enforcement has checked the Shattuck Hotel loading zone daily. Consistent with prior observations, there have been no unauthorized taxis parking in the loading zone.

VI(b). BTCA believes that other hotels accommodate taxi stands for their clients and provided a list of those hotels for consideration.

Response

Code Enforcement staff conducted a survey based on the list of hotels identified by BTCA as hotels that accommodate taxi stands for their clients. Code Enforcement found that only one hotel, the Double Tree, provides a taxi stand for its patrons. The following are the results of that survey:

Durant Hotel – The Durant Hotel has a parking lot that will accommodate approximately twelve vehicles. The Durant Hotel does not provide parking for taxis.

Bancroft Hotel – The Bancroft Hotel has an hourly rate parking lot that will accommodate approximately twenty-five vehicles. The parking lot is for patrons and public parking. The Bancroft Hotel does not provide parking for taxis.

Berkeley City Club - The Berkeley City Club has its entrance on Durant Avenue. There is a two vehicle white zone immediately in front of the City Club. The City Club does not provide a taxi stand for its patrons.

French Hotel – The French Hotel has its entrance on Shattuck Avenue and does not have a parking lot. There is a single vehicle white zone south of the entrance. The French Hotel does not provide taxi stand for its patrons.

Double Tree Hotel – The Doubletree has a parking lot that will accommodate approximately 400 vehicles. There are three spaces approximately 100 feet from the entrance designated as taxi parking.

Holiday Inn – The Holiday Inn has a parking lot that will accommodate approximately sixty vehicles. The Holiday Inn does not provide parking for taxis.

Downtown Inn – The Downtown Inn has a parking lot that will accommodate approximately eleven vehicles. The Downtown Inn does not provide parking for taxis.

La Quinta Inn - The La Quinta Inn has a parking lot that will accommodate approximately seventy vehicles. The La Quinta Inn does not provide parking for taxis.

VII. Taxi Stand at Telegraph and Bancroft

BTCA expressed concern about moving the Bancroft/Telegraph Taxi Stand to a Loading Zone on the South Side of the Street.

Response

The taxi stand and loading and unloading zones on the north side of Bancroft Way were removed as a result of construction on the University of California campus. Consequently, the loading zones on the south side of Bancroft Way are heavily used by merchants and delivery services. Commercial districts rely on spaces in loading zones for delivery of goods and products for their businesses. Replacing a loading zone with a taxi stand would add to traffic congestion and would have a detrimental impact on businesses.

VIII. BTCA Waiting List:

BTCA expressed concern that the City is treating the waiting list as a private document and requested a copy of the waiting list to monitor 1) the movement on the list; 2) an individual on the list who is known to have left the city, state or country; 3) when someone on the list dies; and 4) the general security of the waiting list.

Response

On September 24, 2013, the waiting list was mailed to the BTCA address provided by Mr. Said and Mr. Sharma, however it was returned as undeliverable. There have been no other complaints regarding the maintenance or security of the list. The waiting list is updated semi-annually as required by BMC Section 9.52.020.E.1 (Taxi Ordinance). The BTCA was informed that any concerns regarding the maintenance or security of the waiting list can be addressed to the Finance Department.

In response to the July 15, 2013 letter from BTCA requesting the Taxi Business Owner Waiting List, staff contacted Mr. Said and informed him that a copy of the waiting list would be provided as soon as it was updated. The waiting list was mailed to BTCA (as noted above) once it had been updated by Finance Department staff.

IX. Police Service

BTCA expressed concerns that: (1) the Berkeley Police Department has not trained its Officers to cite illegal cabs with regard to the Taxi Ordinance (BMC

Chapter 9.52). 2) forty percent of the taxi business is being lost on a daily basis due to a lack of Police enforcement on unpermitted taxis; and 3) the City Council should impose penalties on illegal taxis.

Response

In their October 2010 letter to the City Manager, the BTCA stated that the Berkeley Police Department should assign Berkeley Police officers to establish a dedicated taxi enforcement unit and receive training regarding the Taxi Ordinance. In a May 3, 2011 Information Item to the City Council, the City Manager and the Police Department gave the following response:

This is Item 10 of the Berkeley Taxi Cab Association Letter. At the February 14, 2011 meeting, Captain Cynthia Harris explained that the Berkeley Police Department does not have sufficient resources or personnel at this time to staff a designated taxi detail. However, the Berkeley Police Department would consider a training bulletin regarding BMC Chapter 9.52 and illegal taxis.

The Berkeley Police Department subsequently developed a training bulletin regarding BMC Chapter 9.52 in May 2011. As recently as July 2013, Code Enforcement staff met with Berkeley Police regarding an unpermitted taxi that was cited by the Berkeley Police Department. Since 2011, the Berkeley Police Department has issued 75 citations to taxis operating in Berkeley. BTCA has indicated that the illegal taxis primarily operate after hours. Forty-nine of the seventy-five citations issued were between 7:00pm and 12:00am. In 2010, prior to the BTCA's request for police enforcement, the Berkeley Police Department issued 9 citations to taxis operating in Berkeley

BTCA believes that illegal taxis are stealing 40% of the taxi business in Berkeley. In response to a similar indication in 2011 as part of a request for a \$6.00 minimum fare, staff requested that the BTCA and taxi companies submit waybills pursuant to BMC Section 9.52.130 so that staff could evaluate the need for a \$6.00 minimum taxi fare. The BTCA and taxi companies did not provide that information.

X. The implementation of Taxi Stands is misplaced and serve no purpose

Response

There does not appear to be evidence that the location of taxi stands impedes the ability of taxis to provide taxi service in Berkeley. Since 1996, the number of taxi stands has increased from eleven to twenty-six.

POSSIBLE FUTURE ACTION

Staff is working on several revisions to BMC Chapter 9.52 including increasing the number of accessible taxi's as well as developing administrative, operating and safety regulations for accessible taxis. Staff is also developing administrative, operating and safety regulations for allowing in-cab video advertising.

Staff will return in March with amendments to BMC Chapter 9.52 and Resolution No. 62,299-N.S. to increase the number of accessible taxis and to establish regulations for accessible taxis and in-cab advertising.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None

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