


Office of the City Manager

CONSENT CALENDAR
November 25, 2003

To: Honorable Mayor and
Members of the City Council
From:  Philip Kamlarz, Acting City Manager
Subject: Taxi Permits for Wheelchair Accessible Taxis

RECOMMENDATION

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 9.52, Taxicabs and Automobiles for Hire, by adding subsection I to Section 9.52.010, defining "Accessible Taxicab," and amending subsection E of Section 9.52.020, regarding categories of vehicles and the maximum number operated in each category; and
2. Adopt a Resolution establishing annual permit fees, the maximum number of taxicabs citywide for each category of vehicles for hire, and the maximum number of vehicles per taxicab business owner, the maximum rates charged per fare, and designating areas as joint use taxicab stands; and rescind Resolution No. 58,489-NS and all amending resolutions.

SUMMARY

This recommendation addresses community concerns around accessible taxis by authorizing the City to issue an additional five (5) taxi permits, specifically for the operation of accessible vehicles. While the addition of accessible taxis is expected to make cab service readily available to people who use wheelchairs or scooters, the additional vehicles are not intended for the exclusive use of people with disabilities. These accessible vehicles will be available to all members of the public.

FISCAL IMPACTS OF RECOMMENDATION

At this stage of the process there are no known fiscal impacts. Issuing designated permits for accessible vehicles will be incorporated into current procedures for the administration of the City's taxi regulations. However, there are several key factors that will be monitored, as the program is implemented, for potential fiscal and programmatic impacts, which include:

- Response by individual owners and taxi companies to this opportunity for a new taxi permit, adding the accessible vehicles to general taxi service, and the drivers' feedback on operation;
- Demand for and use of taxi scrip by eligible taxi riders;
- Demand for and use of the City's Wheelchair-van Program;
- Complaints and compliments from taxi riders about accessible taxis service; and
- Any consequent increase in enforcement activity that may be necessary.

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CURRENT SITUATION AND ITS EFFECTS

There is currently authorization for 120 taxicabs to be permitted for operation in Berkeley. As of this time, none of these permits have been issued to vehicles accessible to people with certain disabilities, to the extent that a person using a power wheelchair or scooter is able to use the cab without transferring out of their mobility device. While there is alternative transportation available in the form of paratransit for people who are unable to use buses or other fixed-route transit options, it often requires a reservation made at least one day in advance. The advantage of taxis is they provide on-demand transportation, are available for spur of the moment trips when needed or desired, and are available for use regardless of ones eligibility for paratransit.

The following City departments have been involved with the development of this proposal, and will be responsible for its implementation, monitoring and enforcement:

- Finance – Customer Service: administers the Berkeley Municipal Code (BMC) ordinance regulating vehicles for hire; licensing and permitting of owners, drivers, and vehicles; and redeems taxi scrip submitted by drivers.
- Public Works – Corporation Yard: inspects all vehicles for taxi licensing.
- City Manager’s Office – Neighborhood Services Enforcement Project: conducts field enforcement of taxi regulations and driver conduct.
- Public Works – Disability Services: staffs Commission on Disability; monitors and supports programs and services for potential users of the recommended accessible taxis.
- Housing – Berkeley Paratransit Services: issues taxi scrip to eligible users; partly funded by Measure B tax dollars, as well as grants and the City’s General Fund.
- Finance – Treasury: issues cash, under Council authorization, for use to redeem taxi scrip.
- Health & Human Services – Senior Programs: staffs Commission on Aging; provides programs and services for some potential users of the recommended accessible taxis.
- City Attorney: along with City Clerk staff, reviews history of related ordinances and resolutions, and drafts necessary amendments, additions, and new legislation.

BACKGROUND

Improvements in Berkeley’s taxi and related services, including the City’s Taxi Scrip Program, have been implemented in recent years. In September 2001, Council amended Chapter 9.52 of the Berkeley Municipal Code (BMC), regulating Taxicabs and Automobiles for Hire, in response to the issues raised in the proposed Bill of Rights for Taxi Scrip Riders. This Council action complemented other improvements initiated by staff in the administration and enforcement of taxi services. Apart from these improvements, discussions with the Commission on Disability, including meetings with City staff, have taken place over several years.

The Commission on Disability first raised the issue of accessible taxis in fall 1999. Regulations have been implemented since then to protect the rights of people with disabilities who use taxis. However, attempts that have been initiated to provide taxi permits for accessible vehicles have

not come to fruition, and taxis remain inaccessible to people in Berkeley using many kinds of wheelchairs or scooters. More recently, at its meeting of September 17, 2003, the Commission on Aging endorsed the Commission on Disability's recommendation to issue permits for accessible taxis. Meanwhile, other communities, such as San Francisco, already have accessible taxis in service, usually in the form of ramp or lift vans.

An interdepartmental team was convened in August 2003 to respond to the request for additional taxi permits for accessible vehicles. This interdepartmental approach was necessary because issuing taxi permits to be used for accessible vehicles is more complex than it may first appear. Some of the concerns that have been addressed in this process are:

1. Initiating the best programmatic and administrative approach to provide the service, including options for new and/or an expanded number of taxi permits, and the appropriate incentive to encourage applicants for these permits;
2. The definition of, and requirements for, an accessible taxi;
3. The possible service and fiscal impacts from demands on Berkeley Paratransit Services, both the Wheelchair-van Program and the Taxi Scrip Program, given current budget allocations; and what relationship, if any, there will be between an increase in demand for taxi scrip, to use for accessible taxis, and the service demands on the City's Wheelchair-van Program;
4. How to ensure that accessible taxis are actually available to benefit the people with disabilities using wheelchairs and other mobility devices who need this service; and
5. What amendments to the Berkeley Municipal Code may be needed to implement this service, as well as administrative regulations necessary to enforce the expanded taxi community.

RATIONALE FOR RECOMMENDATION

Issuing five taxi permits for accessible vehicles allows for the prospect of the availability of these taxis waiting for riders at designated taxi stands, while having others available for dispatched service.


ALTERNATIVE ACTIONS CONSIDERED

No other alternatives to issuing these additional permits for accessible taxis were considered. There may be other programmatic and/or service options, however this proposal addresses the fundamental objective of equal access to this form of transportation for all taxicab users.

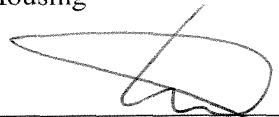
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Approved:



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Rene Cardinaux, Director
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Fred Medrano, Director
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Attachments:
Ordinance
Resolution

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 9.52, TAXICABS AND AUTOMOBILES FOR HIRE, BY ADDING SUBSECTION I TO SECTION 9.52.010, DEFINING "ACCESSIBLE TAXICAB," AND AMENDING SUBSECTION E OF SECTION 9.52.020, REGARDING CATEGORIES OF VEHICLES AND THE MAXIMUM NUMBER OPERATED IN EACH CATEGORY.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That subsection I is added to Section 9.52.010 of the Berkeley Municipal Code as follows:

I. "Accessible taxicab" means a taxicab designed to carry at least one person using a standard wheelchair or scooter designed to transport a person with a disability, such that the passenger can remain in the wheelchair or scooter at all times while entering, riding in, and exiting the taxicab and can enter and exit the taxicab without assistance.

Section 2. That subsection E of Section 9.52.020 of the Berkeley Municipal Code is amended as follows:

E. Limitations on number of permits per owner and in the City--Waiting list, renewal.

1. The City Council may set by resolution define various categories of vehicles for hire, set the maximum number of vehicles in each category that may the maximum number of vehicles for hire to be operated in the City and the maximum number of vehicles for hire in each category for which each business owner may seek vehicle permits.

2. Should the maximum number of any category of taxicabs in the City be reached in any given year, the City shall create a waiting list for vehicles which shall receive permits when existing permits are revoked for any reason. Existing permit holders have priority in renewal and vehicles on the waiting list shall receive annual permits only after existing vehicle permit holders have been given an opportunity to renew.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE NO. -N.S.

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BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That subsection I is added to Section 9.52.010 of the Berkeley Municipal Code as follows:

I. "Accessible taxicab" means a taxicab designed to carry at least one person using a standard wheelchair or scooter designed to transport a person with a disability, such that the passenger can remain in the wheelchair or scooter at all times while entering, riding in, and exiting the taxicab and can enter and exit the taxicab without assistance.

Section 2. That subsection E of Section 9.52.020 of the Berkeley Municipal Code is amended as follows:

E. Limitations on number of permits per owner and in the City--Waiting list, renewal.

1. The City Council may by resolution define various categories of vehicles for hire, set the maximum number of vehicles in each category that may be operated in the City and the maximum number of vehicles for hire in each category for which each business owner may seek vehicle permits.

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RESOLUTION NO. - N.S.

ESTABLISHING ANNUAL PERMIT FEES, ESTABLISHING THE MAXIMUM NUMBER OF TAXICAB VEHICLES CITYWIDE AND THE MAXIMUM NUMBER PER TAXICAB BUSINESS OWNER, ESTABLISHING THE MAXIMUM RATES CHARGED PER FARE, AND DESIGNATING AREAS AS JOINT USE TAXICAB STANDS; AND RESCINDING RESOLUTION NO 58,489 - N.S., AND ALL AMENDING RESOLUTIONS

WHEREAS, the City Council has the authority by resolution to define various categories of vehicles for hire, set the maximum number of vehicles in each category that may be operated in the City and the maximum number of vehicles for hire in each category for which each business owner may seek vehicle permits; and

WHEREAS, the City Council of the City of Berkeley has the authority by resolution to establish annual permit fees for vehicle for hire owners, drivers and vehicles; the maximum rates charged per fare; and the location of joint use taxicab stands.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

A. The following fees for annual permits governing the operation of vehicles for hire in the City of Berkeley, which became effective January 1, 1997, are continued:

1. Owner's Permit	\$350
2. Vehicle Permit	\$ 75
3. Driver's Permit	\$ 25

B. The maximum number of vehicles for hire not required to be accessible, to be operated in the City, which was set at 120 as of January 1, 1997, shall continue to be 120.

C. In addition to the 120 taxicab vehicles for hire not required to be accessible, permitted under paragraph (B) of this resolution, an additional 5 accessible taxicabs may be operated in the City of Berkeley.

D. The maximum number of vehicles for hire not required to be accessible that may be operated by any single business owner, which was set at 20 as of January 1, 1997, shall continue to be 20.

E. The maximum number of vehicles for hire required to be accessible as a condition of operation that may be operated by any single business owner shall be 5.

F. The maximum rates to be charged per fare, which were established effective February 19, 2002, shall continue as follows:

Flag Drop	\$2.40
Per Mile	\$2.40 per mile or \$.24 per 1/10 th of a mile
Waiting Time	
Or Traffic Delay	\$24.00 per hour or \$.24 for each 36 seconds

G. The following locations are hereby established as joint use taxicab stands:

1. The area located on the south side of Durant Avenue, beginning 77' east of the east curb line of Bowditch Street and extending 48' in an easterly direction;
2. The area located at the University Avenue underpass, on the south side of University Avenue, beginning 250' west from the west curb line of Fourth Street and extending 20' in a northerly direction;
3. The area located on the south side of Hearst Avenue, beginning 44' west of the west curb line extended from Euclid Avenue and extending 22' in a westerly direction;
4. The area located on the north side of Gilman Street, beginning 84' east of the curb line of Tenth Street and extending 40' in an easterly direction;
5. The area located on the south side of Webster Street, beginning 10' west of the crosswalk on south side of Webster Street west of Colby Street and extending 22' in a westerly direction; and
6. The area located on the south side of Center Street, beginning 44' west of the westerly right of way of Shattuck Avenue and extending 120' in a westerly direction.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Resolution No. 58,489 - N.S., and all amending resolutions are rescinded.