



STAFF REPORT

Title: Bylaw No. 750-PL-22 - Bylaw to Regulate the Operation of Taxis

Meeting Date: September 27, 2022

Executive Summary:

The City's Municipal Enforcement / Planning and Development departments have prepared an updated Taxi Bylaw No. 750-PL-22 aimed at improving the clarity of the bylaw, as well as addressing concerns from Council and public citizens.

Background:

The City's Municipal Enforcement / Planning and Development departments have prepared an updated Taxi Bylaw No. 750-PL-22 aimed at improving the clarity of the bylaw, as well as addressing concerns from Council and public citizens. The bylaw received first reading at the May 10th, 2022 regular Council meeting, and was followed by a non-statutory public hearing at the regular Council meeting on June 14th, 2022. At the public hearing, various taxi drivers were in attendance and expressed their concerns regarding the City's current Taxi Bylaw, and provided a variety of questions and comments which were directed to Administration for review. Administration has reviewed the Council meeting and the public comments, and have addressed the various comments and concerns below:

1. "The Right to Refuse Service"

A concern was brought forward regarding when taxi drivers and dispatchers are allowed to refuse service. The taxi drivers put an emphasis on the safety of their drivers, and requested there be specific legislation that addresses the right to refuse service for "any time and for any reason". In addition, the taxi drivers requested changes that would allow drivers to refuse service based on unsafe road conditions due to severe weather. As a result, Administration notes Section 7.4 of the proposed bylaw (750-PL-22) which indicates the specific reasons for which a taxi driver may refuse service to a passenger. Due to the additional feedback, Administration added two clauses to the proposed bylaw, as indicated below:

7.4. Every Taxi driver shall accept all persons as customers, except when:

7.4.1. **The person poses an obvious threat to the safety of the Taxi driver, the Taxi cab, or to the business of the Taxi company;**

7.4.2. The person is drunk, disorderly or in any way under the influence of any substance that affects their better judgement;

7.4.3. The person is indebted to the Taxi Business with which the driver is affiliated;



- 7.4.4. The person is apparently unable to pay for the Taxi service;
- 7.4.5. Severe weather conditions which would pose as a safety hazard to the Taxi driver and passengers;
- 7.4.6. The person requests the Taxi to transport an animal or any article which may affect the cleanliness of the Taxi, with the exception of dogs trained for and used to guide the visually impaired, the hearing impaired, or persons with other disabilities, and those animals which have been contained in a crate or carrier;
- 7.4.7. The person requests the Taxi to transport any prohibited item, or request the Taxi driver to break any federal, provincial or municipal laws.

The above amendments are included in the attached bylaw, subject to approval by Council.

2. "Additional costs of extra decaling"

A concern regarding the additional costs of installing and maintaining decaling was presented. Administration notes that the requirement for decaling was carried over from the previous Taxi Bylaw (611-PL-17) in Section 4.4, stating: "The name of the Taxi Business and unit number of the Taxi shall be prominently displayed on each Taxi or its roof light in lettering no less than 50mm in height".

Section 4.7 of the new Taxi Bylaw (750-PL-22) speaks to the decaling requirements, which are:

- 4.7. The name of the Taxi Business and unit number of the Taxi shall be prominently displayed on each Taxi, including:
 - 4.7.1. The name of the Taxi Business and unit number, shall be no less than 150mm in height;
 - 4.7.2. The lettering shall be in a contrasting colour to the body colour of the vehicle to ensure that the name of the Taxi Business and unit number are clearly legible;
 - 4.7.3. The name of the Taxi business and unit number must be displayed on 3 sides of the vehicle.

Administration supports the proposed new amendments to the Taxi Bylaw, as they promote more identification of the taxi vehicles, which should help with overall ridership, and ensuring the taxis are appropriately displaying their business name consistently.

The driver expressing these concerns also requested a 2-3 month time period to comply with the new bylaw requirements. Administration believes this request has been satisfied under Section 10.2 of the new Bylaw (750-PL-22), which states:



“Notwithstanding Section 10.1, within ninety (90) days of the final passing of this Bylaw, all taxis operated within the City of Cold Lake shall comply with the regulations specified in Section 4.2-4.8”.

3. “Can a sticker on the front bumper be acceptable?”

A concern was raised regarding registration stickers, and front-bumper licence plates. Taxi licence plates were proposed as a part of new changes in 2018; however, since further investigating the availability to taxi plates and the financial implications, Administration has proceeded to use a method of registration stickers, which would be placed on the bottom right corner of the vehicle’s windshield, in accordance with section 4.2.1 of the new Bylaw (750-PL-22). A sample of the proposed registration sticker has been provided as an attachment.

Administration would like to emphasize that the City is no longer proceeding with the requirements of any form of an additional licence plate. Therefore, to address the above concern, Administration’s response is:

A sticker on the front bumper would not be acceptable, as the City is no longer proceeding with a taxi licence plate, and the new process allows a registration sticker to be placed on the bottom right corner on the inside of the vehicle windshield instead.

4. “The fines relating to inspection are not adequate”

Concerns regarding the fine amounts were brought forward by some of the taxi drivers. Many noted that the cost of insurance is much greater than the fine for not carrying insurance; therefore, it is cheaper for drivers to pay the City fine than to pay for insurance. Administration completed a fine comparison with other Alberta municipalities of the newly proposed fines in Taxi Bylaw No. 750-PL-22, and concluded that the highest proposed fine in other Alberta municipalities, was no greater than \$1,000.00. Administration notes that, in accordance with the proposed fine schedule, “Operating a Taxi business without a City of Cold Lake Business Licence” is \$1,000.00, and taxi drivers are not issued a business licence without valid insurance. In addition, the newly proposed fines have an amount of \$250.00 for “Failure to provide documents on demand of a Peace Officer”.

Administration recommends keeping the proposed fines as presented in Bylaw No. 750-PL-22. However, at the discretion of Council, the fines may be increased or decreased accordingly, to ensure taxi driver compliance.



5. “It is unreasonable to require a Commercial Vehicle Inspection”

Administration had presented Council with the implementation a Commercial Vehicle Inspection Program (CVIP) certificate at the May 10th 2022 regular Council Meeting. Since presenting this requirement, Administration has consulted with Alberta Transportation and other Alberta Municipalities, and have determined that an Out of Province Vehicle Inspection Certificate (OPVIC) was more applicable and appropriate to the City of Cold Lake. The OPVIC applies to smaller automobiles such as cars and commuter vehicles, whereas the CVIP certificate is more appropriate for larger freight vehicles.

As a result of the above research and consultation, Administration is recommending the previous proposal to require taxis to provide a CVIP report be removed, and instead propose the amendment to require drivers to provide an Out of Province Vehicle Inspection Certificate. Administration believes this amendment would put the City of Cold Lake in line with other municipalities and towns, as well, the OPVIC still ensures that all taxis are being inspected to the same provincial standard, rather than at the discretion of the business/ mechanic shop. Administration notes that the previous bylaw included requirements of having a Mechanical Inspection; however, Administration and Municipal enforcement believe that these in-house inspections do not have the same level of safety inspection requirements that the OPVIC inspections do. This is due to the fact that at a local shop, the mechanical report checklists can change dependent on the mechanic or business. To ensure the safety of all ridership and the taxi drivers, and to remain in line with other Alberta Municipalities, Administration recommends a requirement of implementing an OPVIC inspection.

As a result of the above recommendation, the following amendments to the proposed Taxi Bylaw No. 750-PL-22 where an OPVIC is required have been applied to the following sections:

- 4.2.2
- 4.2.3
- 4.3.5
- 4.8.4
- 5.3.5

6. “Issues with Taxi Roof Lights”

Concerns were raised regarding the City requiring taxi roof light systems. Administration notes that this requirement was in the previous Bylaw (611-PL-17); however, it was not carried forward into the newly proposed bylaw (750-PL-22). In Bylaw No. 750-PL-22, taxi roof light systems are not required.



7. “Concerns on Naloxone Kits and feasibility due to storage requirements”.

At the June 14th Regular Council Meeting, Council clarified that the Naloxone kits can be left in the taxi in the summer, but would have to be taken inside during the winter. They stated: “There is no harm in using it if it is out of range in the summer months”. In addition, the *Good Samaritan Drug Overdose Act* “protects the person who seeks help, whether they stay or leave from the overdose scene before help arrives”. The only expectation would be for a person to call 911, as the Act does. The City and Council have since confirmed the City will not be requiring people to actively use the naloxone kits, just simply to have them on hand, in the event of an emergency. Given these kits are free and provided by pharmacies whereby pharmacists will demonstrate to the user how to use and administer the naloxone, Administration supports Section 4.8 of the new Taxi Bylaw (750-PL-22), requiring drivers to carry Naloxone Kits, in addition to the previously required first aid kits.

8. “The Taxi Duties needs review because it is vague”

Concerns were raised about the duties of taxi drivers, and how they were apparently vague in description. Section 7 of the new Bylaw (750-PL-22) indicates in full the “Obligations and Restrictions on Taxi Drivers”, in which section 7.5 speaks to specific “Duties of a Taxi Driver include”:

- 7.5.1. Unless otherwise directed by the passenger, the Taxi Driver shall drive the shortest/most economical route to the destination;
- 7.5.2. The Taxi Driver must be neat in appearance and dressed in neat attire;
- 7.5.3. Taxi Drivers shall provide assistance to passengers in loading or unloading parcels, groceries or other like items;
- 7.5.4. Taxi Drivers shall provide assistance in loading passengers who may require or request assistance;
- 7.5.5. Taxi Drivers shall not allow animals to ride in their lap or interfere with the operation of the Taxi.

Administration is satisfied that the “Duties of a Taxi Driver” are clearly outlined.

9. “Concerns regarding operation of public transit busses in competition with taxi cabs”.

Concerns were brought forward regarding the use and implementation of public transit, and the negative impacts this has on the Taxi Businesses. Council has determined there is benefit to having the free transit. Administration notes that the regulation and operation of Cold Lake Transit busses, is not addressed in the Taxi Bylaw (750-PL-22).



It was argued that City is in a conflict of interest by implementing a public transit system and also regulating the taxi business.

10. “More time is needed to comply with the new Bylaw”

Concerns were brought forward regarding the transition time for taxi drivers to comply with the new requirements of the new Taxi Bylaw No. 750-PL-22. Section 10 of the new Taxi Bylaw (750-PL-22) addresses these concerns, whereby section 10.2 gives drivers 90 days from the date of final passing to comply with the new bylaw, more specifically sections 4.2-4.8, which speaks to the cab requirements including decals, inspection requirements, and registration stickers. This 90-day compliance time period was carried forward from the previous adoption of Bylaw No. 611-PL-17, in which Administration did not receive any issues or pushback regarding this time-frame. Administration is of the opinion that 90 days is a very reasonable time for drivers to ensure their documentation and cabs are able to come into compliance, as administration understands the economic climate of scheduling and supply issues.

11. “More flexibility regarding the permanent placement of fares on the cabs to account for fluctuating gas prices”

Section 4.5 of Bylaw No. 750-PL-22 does not state that the fares on the cab must be permanent, but rather they must be “displayed prominently on the cab, interior and exterior, to ensure the fare is visible to all passengers”. This directive came as a result of the CPC meeting, in light of Council not regulating fares.

12. “Compare and contrast the differences between a mechanic shop inspection and OPVIC”

Administration consulted with local auto-body shops that according to the Government of Alberta Transportation website are licensed shops, to inquire about the costs and fees associated with an OPVIC. Below is a list of the shops contacted who are authorized to administer OPVIC Certifications, and their associated fees:

- IFM Automotive Service and Repair: \$169.00
- Canadian Tire: \$194.00 (Small Car) / \$228.00 (Large SUV or Truck)
- Bernier's Diesel & Auto Repair: \$195.00
- Cold Lake Ford: \$260.00

Administration reached out to other mechanic shops in the City of Cold Lake that offered an independent vehicle inspection, including Insurance Inspections which are required for vehicles greater than 12 years old. Administration gathered the following regarding fees:



- Heads Auto Repair \$105.00
- JM Automotive: \$120.00
- Mat's General Mechanic: \$120.00
- OK Tire \$130.00/ hr
- Cold Lake Chrysler: \$189.00

Administration learned that in municipalities where the City designs its own inspection form and requirements, it is the responsibility of the taxi driver to take that form to a licensed mechanic shop to have the inspection completed. Given this is not a service typically offered by the local shops, prices often varied from shop to shop on how much they would charge for that inspection.

From the consultation and research Administration has completed, Administration can recognize the fees and price differences between obtaining an Out of Province Inspection versus an independent mechanical inspection from a local shop. Given the price differences, Administration is of the opinion that the Out of Province Vehicle Inspections are the most appropriate form of inspection requirements, and should be implemented in the City of Cold Lake. This is because with an OPVIC inspection, all vehicles are inspected to the same standard, and have compliance regulations for vehicles that do not pass first inspection. Under the program, vehicles that fail an inspection must be repaired within 10 days of the original inspection. If repairs are not completed within this time frame, the vehicle is required to undergo a full re-inspection.

Notwithstanding the costs and fees from obtaining an independent vehicle inspection, these inspections are not standardized, and often have their own measures and point-systems for the roadworthiness of the vehicle. This allows for inconsistency across vehicles driven, and vehicles would be held to their own individual standards, based on each mechanic shop's inspection system.

Administration is of the opinion that the risk associated with allowing drivers to obtain their own mechanical inspections, and not proceed with an OPVIC inspection, would be an inconsistency in safety standards for the vehicles driven on the roads which are carrying guests and residents of Cold Lake. Enforcement and Administration would like to note the dangers of this inconsistency, as both have become aware of one mechanic shop located in the City forging mechanical inspection documents this spring, 2022. As a result, to further prevent forging of documentation and ensure the legitimacy of an inspection report, OPVIC was suggested as a more rigorous alternative which would put an emphasis on a standardized process and ensure all vehicles are inspected to the same requirements and standards. Given that the OPVIC is used in other municipalities, and ensures a standard level of safety of the vehicles being driven, as a means to ensure safe, reliable ridership, Administration recommends continuing with the originally proposed OPVIC requirements for the Taxi Drivers in the new Bylaw No. 750-PL-22.



In addition to addressing the above concerns which were received at the June 14th 2022 non-statutory public hearing, Administration would like to present a summary of the proposed amendments to Taxi Bylaw No. 750-PL-22, which are as follows:

- The amendment to replace the Commercial Vehicle Inspection requirement for an Out of Province Vehicle Inspection Certificate;
- That fares must be displayed prominently on the exterior and interior of the cab;
- Increasing cab cleanliness provisions, including a “No-Smoking” decal to be placed on the cab;
- Increasing the amounts of multiple fines; and,
- Requiring that drivers carry Naloxone kits, in addition to the required First Aid kits and fire extinguishers.

A copy of the amended bylaw and the proposed fee schedule is attached.

The new Bylaw (750-PL-22) provides a transitional period of 90 days from the date of adoption for the taxi operators to comply with the updated mechanical inspection and equipment regulations for taxi vehicles specified in sections 4.2-4.8. Following approval of Bylaw No. 750-PL-22, Administration will contact each taxi company to advise them of the updated requirements as well as the deadline for compliance with the new Bylaw.

Bylaw No. 750-PL-22 Received first reading at the May 10th, 2022 Regular Council meeting. No additional comments were received prior to the council report, with the exception of the concerns brought forward by various taxi drivers at the non-statutory Public Hearing which have been addressed above. Administration is recommending that Council proceed to amend Bylaw No. 750-PL-22 as presented, and proceed to give Bylaw No. 750-PL-22 being a bylaw to Regulate the Operation of Taxis, second reading as amended, as well as third and final reading.

Alternatives:

1. Proceed to amend Bylaw No. 750-PL-22, being a Bylaw to Regulate the Operation of Taxis, in the City of Cold Lake, as presented.
2. Proceed to give Bylaw No. 750-PL-22 second reading, as amended, as well as third and final reading.
3. Defeat second reading, and refer Bylaw No. 750-PL-22 back to Administration for further amendments.

Recommended Action:

Administration recommends that Council proceed to amend Bylaw No. 750-PL-22, being a Bylaw to Regulate the Operation of Taxis in the City of Cold Lake, as presented.



Administration recommends that Council proceed to give Bylaw No. 750-PL-22 second reading, as amended, as well as third and final reading.

Budget Implications (Yes or No):

No

Submitted by:

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