



Legislation Text

File #: 01046, Version: 1

**Fiscal Note**

No net impact on General Fund revenues. Although the length of licensing terms may change, the overall licensing fees will not, so no impact on General Fund revenues is anticipated.

**Title**

Amending portions of Section 11.06 to modify fees and procedures for licensing of public passenger services, to provide an exception to the 24 hour service requirement in the event of certain unsafe weather conditions, to permit a premium fare for large parties, and to allow a passenger to be charged a "no-load" fee as well as a fee for soiling or damaging a vehicle.

**Body**

DRAFTER'S ANALYSIS: This amendment makes changes to some licensing procedures for operators of public passenger businesses - offering metered and zoned taxicab, horse drawn carriage, and pedal-cab service for hire. Under the current ordinance, the license must be renewed each year and requires a review procedure by staff, TPC and the Council. This amendment would create an initial two year license, and two-year renewals so that procedure occurs every two years. A new company applying for an initial license could choose a one year duration, with a one-year renewal option. (See attached table.) Thereafter, all companies should be on the same two-year schedule. A new requirement is created for the Traffic Engineer to report statistics on each company to the TPC during the non-renewal year, for informational purposes.

This amendment does not change the criteria for approving an initial or renewal public passenger business license, but the procedure for both is clarified in subs. (4)(b) and (4)(d). Both the initial and renewal license fees are increased to reflect the two year duration, while the one-year options remain at the current price. (See attached table.) Under the current ordinance licenses are renewed each June 30th. If adopted, the intent is for these changes to take effect in time for the June 30th renewals.

This amendment also allows public passenger vehicle companies to cease service during weather emergencies, whenever Madison Metro suspends service for weather reasons or if declared by the Traffic Engineer. It also allows the company to charge a 1.5 times the metered or zoned fare for large parties of over 6 persons when the party requests a single vehicle to accommodate them.

Finally, this amendment authorizes two new fees to be charged by public passenger providers: the company may charge the passenger for the cost of cleaning any type of public passenger vehicle (most often, a taxicab) if it has been soiled by the passenger. The second fee is a no-load fee when a person calls for a taxicab, but then doesn't use the cab and fails to cancel the call. Both of these fees would be charged and collected by the company, they will not be pursued by the City.

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The Common Council of the City of Madison do hereby ordain as follows:

- 1. Subsection (4) entitled "Licensing of Public Passenger Services" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"(4) Licensing of Public Passenger Services.

(a) The fees for a license to engage in the business of transporting passengers for hire under this subsection, commencing with licenses issued in 2005 and thereafter, shall be ~~are hereby fixed~~ as follows:

~~Commencing with the 2004 licensing year, and subsequent thereto, the following fees shall be in effect:~~

SEE TABLE IN ATTACHMENTS.

(b) Application for Initial License to Engage in the Business of Transporting Passengers for Hire. Any person wishing to obtain a license to engage in the business of transporting passengers for hire, whose rides originate within the City of

Madison, shall present to the City Clerk a written application accompanied by proof of payment of the fee or fees established in Subdivision (a) above and by proof of liability insurance coverage as required in Subsection (8)(a) of this ordinance.

The application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, the schedule of rates of fare to be adopted, and such other pertinent information as the City Traffic Engineer may require.

The applicant shall identify the number and type of accessible vehicle(s) which will be furnished as part of applicant's accessible taxicab service responsibilities; or, in the event this obligation will be fulfilled by contracting with another currently licensed operator in the business of public passenger vehicles for hire in the City of Madison, the applicant shall provide a copy of the agreement with that operator as evidence of compliance with the requirements in Section 11.06(7)(a).

All such applications shall be received by the City Clerk and shall be referred to the City Traffic Engineer. The Traffic Engineer shall make such investigations as s/he deems necessary and shall furnish the application and any additional relevant information and his/her recommendation to the Transit and Parking Commission for its consideration,

~~In the case of For an initial new~~ application, the Traffic Engineer shall give notice of the time and place of the meeting at which the Transit and Parking Commission will consider the application by publishing a Class 2 notice under the Wisconsin Statutes in the official City paper.

The Commission shall ~~consider~~ ~~establish standards to determine~~ whether or not a ~~company~~ the applicant should receive an initial or renewal license to engage in the business of transporting passengers for hire and shall make a recommendation to the Common Council. In doing so, the Commission shall consider the following: ~~Such standards shall include, but are not limited to the following:~~

1. The financial capability and responsibility of the applicant.
2. The applicant's prior experience in operating public passenger services.
3. The level and quality of service provided by the applicant in the past in areas in which it has operated.
4. The experience and competence of the applicant's drivers.
5. The applicant's prior record of compliance with applicable regulatory laws, ordinances and rules. This includes records of complaints and enforcement actions against drivers and vehicle owners.
6. The applicant's prior record of service complaints.
7. The age and condition of the vehicles proposed to be licensed by the applicant.
8. The applicant's safety record, including records of accident experience and record of employee safety training.

The Commission may also establish additional standards or criteria to use in reviewing such applications, not inconsistent with the above standards.

~~Upon completing its review hereunder, After considering the application,~~ the Commission shall recommend to the Common Council the grant or denial of the license, and shall provide the Council with a report stating the reasons for its recommendation.

(c) Duration and Expiration of License To Engage in the Business of Transporting Passengers for Hire. Year Expiration. ~~All licenses issued hereunder shall expire on the 30<sup>th</sup> day of June following their issue, except the Common Council may renew a license provisionally for a period of up to ninety (90) days in order to conclude an investigation, by the Transit and Parking Commission or City Traffic Engineer, commenced prior to the expiration of an existing license.~~

Beginning with the 2005 licensing season and thereafter, all licenses to engage in the business of transporting passengers for hire shall be for a two (2) year period, running from the date of issue through the second June 30<sup>th</sup> following the date of issue, so that all licenses under this section shall expire and be eligible for renewal during odd-numbered years.

However, first-time applicants for an initial license may opt for one (1) year license, which shall expire on the first June 30<sup>th</sup> following the date of issue, and may be renewed for one (1) additional one-year period for the same fee, if renewal is applied for during an even-numbered year, so that the licensee may be brought into the same schedule as the two-year licensees.

Once an initial license is granted under this subsection, it may be renewed under sub. (4)(d).

1. Annual Staff Review of Licensee. The City Traffic Engineer shall gather operating statistics from all two-year licensees under this subsection at least once during the two-year period, and shall provide the results to the Transit and Parking Commission.

(d) Renewal of License to Engage in Business of Transporting Passengers for Hire. A license issued under sub. (4)(c) above may be renewed, using the following procedure. Renewal licenses shall be for a two (2) year period except for the one-time, one year renewal described in sub. (4)(c). ~~All~~ An applications for license to renew an existing license renewal shall be submitted to the City Clerk on or before ~~the thirty-first (31st)~~ of January 31<sup>st</sup> of the license year the

~~license is due to expire. The application shall be accompanied by the renewal fee in sub. (4)(a) for which renewal is requested. Failure to apply for renewal by January 31<sup>st</sup> will result in a waiver of the renewal process and any late renewal application. Any license renewal application received after the thirty-first (31st) of January of the license year for which renewal is requested, shall be considered treated as an application for an initial new license and shall therefore be subject to the procedures and fees established for an initial new license application described elsewhere in this ordinance.~~

~~The renewal application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, and schedule of rates of fare to be adopted, and any such other pertinent information as the Transit and Parking Commission ("TPC") may require. The Clerk shall refer the renewal. Such application shall be referred to the City Traffic Engineer, who The Traffic Engineer shall provide the application, furnish the Transit and Parking Commission with the application, any additional relevant information and a recommendation to grant or deny the license renewal to the TPC. The TPC Transit and Parking Commission shall use the standards approved under Subsec. (4)(b), and any additional criteria established by the TPC, to determine whether ~~or not~~ a company the license should be renewed, receive a renewal license to operate, and shall hear all persons desiring to be heard.~~

~~The TPC Transit and Parking Commission shall report its findings and recommendations approval or denial of the renewal license to the Common Council, in time for the Council to act on all renewals by April 30<sup>th</sup>, so that the renewal license, if granted, may be issued by the Clerk before the existing license expires. However, the Council may approve a provisional renewal of up to ninety (90) days to allow completion of an investigation by the TPC and/or City Traffic Engineer commenced pursuant to a timely-filed renewal application. The Clerk shall issue all licenses renewed by the Council. All renewal licenses shall run for a two (2) year period from the date of renewal through June 30<sup>th</sup> of the second year after renewed.~~

~~(e) Final Administrative Determination. Denial of an initial license or renewal by the Common Council is a final administrative determination, subject to judicial review as provided by law.~~

~~(f) Issuance of License. If the Council approves the grant of the license renewal, the applicant shall, upon complying with all of the provisions of this ordinance, be entitled to and shall receive from the City Clerk a written license signed by the Mayor and attested by the seal of the City of Madison authorizing such person to carry on the business of transporting passengers for hire.~~

~~(g) License Not Transferable. No license to engage in the business of transporting passengers for hire issued pursuant to this Subsection shall be transferable. A change of ownership of a licensed operator shall act as a termination of the license. The new owner must apply for and receive a new license prior to engaging in the business of public passenger services.~~

~~(h) A license granted under this subsection may be revoked or suspended by the City Traffic Engineer. All license suspension or revocation proceedings shall be conducted as set forth in Subsection (13) of this ordinance.~~

2. Subdivision (a) entitled "Hours Service to be Provided" of Subsection (7) entitled "Operating Requirements" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

(a) Hours Service to be Provided. It shall be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour taxicab service throughout the City of Madison and shall provide a twenty-four (24) hour telephone number. It shall also be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour accessible taxicab service, i.e. public passenger vehicle for hire service using an accessible vehicle, throughout the City of Madison. The licensee's accessible taxicab service obligations may be fulfilled directly by providing an accessible vehicle in its regular operating fleet or by contracting with another licensed operator to provide it. In all cases the licensee shall remain responsible for compliance with all applicable rules of operation and other applicable ordinance requirements under this Chapter. Conditions of horse-drawn vehicle operating licenses and pedal-cab vehicle operating licenses are contained in Subdivisions (i) and (j), respectively, below.

Unsafe Weather Conditions. A metered or zoned taxicab licensee is not required to provide twenty-four (24) hour taxicab or accessible taxicab service when Madison Metro Transit has suspended bus operations for unsafe weather conditions, upon being notified by the Madison Department of Transportation (MDOT) via FAX, e-mail or telephone. The notification shall include the start and end dates and times of Metro's suspension of service, if known. If an end time is not stated, MDOT will notify the licensee when Metro has resumed service via FAX, email or telephone. The licensee must resume complete, 24-hour service by the stated end time or upon notification from the MDOT that Metro has resumed service. During hours when Metro does not offer service, the City Traffic Engineer or designee may declare a "weather emergency" for purposes of suspension of taxicab service and notify licensees using the methods above.

3. Subdivision (a) of Subsection (9) entitled "Rates of Fares" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"(a) No license granted under Subsection (5) (4) of this ordinance shall have any force or effect unless the licensee files with the City Clerk a schedule of rates of fares. Licensees may charge fares measured according to zones or according to meters, except that horse-drawn vehicle and pedal-cab vehicle licensees shall charge fares according to Subdivisions (j) and (k), respectively, below. It shall be unlawful for any owner or operator to charge or permit to be charged any other or different rates of fares than those listed on such schedule. Any discounts or special fares shall be included in the rates of fares filed with the City Clerk. A schedule of rates of fares must be on file with the City Clerk for 28 days before the rates are effective, except that promotional discounts or coupons may be implemented if the City Traffic Engineer is notified at least forty-eight (48) hours in advance. Any duly established rate other than the said promotional discounts shall remain in effect for a minimum duration of six months. In the case of extreme changes in conditions, the owner of a licensed company may petition the Transit and Parking Commission to review a schedule of rate change within a shorter period of time. After reviewing the request the Transit and Parking Commission may approve a rate change effective within the six-month period but may not approve such a rate change unless the current rates of fares have been in effect for at least ninety (90) days. The rates of fares authorized to be established by this ordinance shall not vary with time of day.

Notwithstanding the foregoing, at any time during the first twelve (12) months from the effective date of the accessible taxicab requirement, the owner of a licensed company may modify its schedule of rates of fares provided such modification is solely due to the cost of compliance with the accessible taxicab ordinance. The schedule of rates of fares so modified must be on file with the City Clerk for twenty-eight (28) days before the rates are effective."

4. Paragraph 2. entitled "Mileage Charge" of Subdivision (c) entitled "Meter Taxicab Rates" of Subsection (9) entitled "Rates of Fares" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"2. Mileage Charge. For conveying one (1) passenger on a mileage basis the charge shall be the scheduled rate for a unit of distance and the scheduled rate for each additional unit of distance. No charge may be made for additional passengers going to the same place, however a premium fare may be charged for large parties as permitted under sub. (9)(i)6."

5. Paragraph 6. entitled "Mileage Charge" of Subdivision (c) entitled "Meter Taxicab Rates" of Subsection (9) entitled "Rates of Fares" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"6. Unlawful to Charge any Other Amount Than That Registered on Taximeter. Except for multiple loading or shared rides as provided in Paragraph 8. below, it shall be unlawful for any driver of a meter taxicab to convey any passenger within the limits of the City of Madison unless the taximeter is used in determining the fare to be charged unless the driver and passenger agree that an hourly rate shall be charged instead. Such agreements are subject to the requirements of Subdivision (e) of this Subsection. If the driver and passenger have not agreed on an hourly rate, no other or different fare shall be charged to the passenger than is recorded on the reading face of the taximeter for the trip. This paragraph does not prohibit the premium fare for large parties allowed under sub. (9)(i)6., which shall be calculated based upon a percentage of the metered rate, nor shall this paragraph prohibit other fees expressly allowed elsewhere in this ordinance."

6. Paragraph 6. entitled "Large Party Fare" of Subdivision (i) entitled " Rates For Other Services " of Subsection (9) entitled "Rates of Fare" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is created to read as follows:

"6. Large Party Fare. A metered or zoned taxicab licensee may charge a premium fare of up to one and one-half the regular fare when a passenger requests a single vehicle to accommodate service for a party of six (6) or more passengers. If a licensee elects to use this charge, it shall be stated on the schedule of rates of fare required under sub. (9)(a)."

7. Subdivision (n) entitled "Additional Authorized Charges" of Subsection (9) entitled "Rates of Fare" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is created to read as follows:

"(n) Additional Authorized Charges. A licensee engaged in the business of transporting passengers for hire may charge the following additional fees, however these fees shall not be considered part of the rate of fare:

1. Soiling or damaging vehicle. A passenger may be charged a reasonable fee for the cost of cleaning a public passenger vehicle that has been soiled or damaged by the passenger to the extent that the vehicle must be taken out of service and cleaned or repaired before it can be put back into service. This paragraph shall not act as a limit or waiver upon any private right of action between the licensee or permittee and the passenger.

2. No-Load Fee. If a taxicab licensee can prove that a passenger has intentionally summoned more than one licensee for the same ride or if the licensee can prove that a passenger called for service but subsequently does not use the service and does not cancel the request before the arrival of the taxicab, the passenger may be charged a no-load fee equal to the amount of the first mileage increment fee ("drop fee") for a metered taxicab or the first zone fee for a zoned taxicab."