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PROPOSED ALTERATIONS TO CHAPTER 545, LICENSING

PREFACE

The Toronto limousine & taxicab regulatory experience is different than many other North American jurisdictions in that Toronto has a more robust ground transportation industry, and with it, more detailed bylaw provisions for all manner of ground transportation.

While enhancements are always welcomed, the foundation of any changes or enhancements must be centred on the principles of safety (of the public and the drivers), and to increase confidence in all aspects of ground transportation.

Chapter 545 is designed to govern all private, for hire transportation providers and automobile types. Given this, there is no need to create additional bylaws when the existing provisions capture, or can with some slight amendments, continue to capture all drivers/owners/ vehicles providing private, private, for hire, passenger, automobile based, ground transportation services (hereafter “ground transportation”)

The most important enhancement that we believe can be made for the riding public and the ground transportation industry is increased enforcement of City of Toronto Municipal Code Chapter 545, the Highway Traffic Act and other provincial legislation.

For several years, there has been a steady increase in the amount of drivers and ground transportation companies that have been flouting regulations with relative impunity. Coupling this enforcement issue with a need to review some of the language and provisions within the bylaw has led to the creation of loopholes. If these loopholes are not closed, why would any driver or company feel compelled to work in or invest in the regulated Toronto ground transportation industry?

Overall, we believe it is unnecessary to create a series of sub-types of for hire ground transportation services, when Toronto is already are covered at a macro and micro level with the existing Limousine and Taxicab definitions. If further sub-types are generated it creates the opportunity for further loopholes, and creates a broader enforcement challenge than is currently faced by ML&S.

EXISTING LIMOUSINE & TAXICAB DEFINITIONS

We believe that the existing Limousine and Taxicab definitions do not require revision. As a reference, we have provided the existing definitions.

LIMOUSINE - Any automobile, other than a taxicab as defined by this chapter, used for hire for the conveyance of passengers in the City of Toronto, and formerly referred to in this chapter as a "livery cab."

TAXICAB - An ambassador taxicab, a standard taxicab, a Toronto Taxicab and an accessible taxicab. When used in reference to a taxicab, "owner" includes:

(1) The owner of a cab licensed as such or required to be licensed as such under this chapter;

And

(2) The holder of the plate portion of a permit issued by the Ministry of Transportation, and, where the records of the Ministry of Transportation indicate that the motor vehicle is leased, the lessee, who is registered as such with the Ministry of Transportation.

PROPOSED REVISED DEFINITIONS

The court took exception with the lack of modernized language as it relates to Taxicab Broker and Limousine Service Company. We have provided suggestions for both of these definitions as well as further enhancement throughout our recommendations.

These proposed revisions to the definitions are designed to more accurately reflect the functionality of a Taxicab Broker and a Limousine Service Company.

TAXICAB BROKER

- ***Current Definition – TAXICAB BROKER - Any person who accepts requests in any manner for taxicabs used for hire and which are owned by persons other than himself or herself, his or her immediate family or his or her employer.***
- ***Proposed Definition – TAXICAB BROKER - Any person or entity who accepts requests in any manner for taxicabs used for hire, or any person or entity who arranges, facilitates, brokers or puts into contact passengers and drivers for transportation by taxicab in exchange for a payment of a charge, fee, commission or other remuneration specifically related thereto and payable by any person or entity.***

LIMOUSINE SERVICE COMPANY

- **Current Definition – LIMOUSINE SERVICE COMPANY - Any person or entity which accepts calls in any manner for booking, arranging or providing limousine transportation.**
- **Proposed Definition – LIMOUSINE SERVICE COMPANY – Any person or entity who accepts requests in any manner for booking, arranging or providing limousines used for hire, or any person or entity who arranges, facilitates, brokers or puts into contact passengers and drivers for transportation by limousine in exchange for a payment of a charge, fee, commission or other remuneration specifically related thereto and payable by any person or entity.**

FURTHER PROPOSALS FOR CHAPTER 545

Moving forward we know that there is room for enhancement and reinforcement within the bylaw. We have included a series of items which should be provided for in any potential revisions to the bylaw. These measures are designed to maintain a higher level of safety and accountability throughout the system.

ENFORCEMENT

As noted earlier, the most significant issue facing the ground transportation industry is the lack of enforcement of the existing bylaws. Given this situation, the taxi industry would like to see an enhanced ML&S enforcement regime including:

- Increase the amount of enforcement officers available. Consider a ratio based on the amount of licenced vehicles, as well as an additional allotment of enforcement officers based on the amount of illegal vehicles that are not operating within the bylaw.
- Implement authority to seize vehicles if they are operating as illegal taxis or limousines
- Standardized and increased enforcement of the updated bylaw and the Highway Traffic Act, by both ML&S and the Toronto Police Service.
- Better coordination between ML&S, Toronto Police, the Taxicab Brokerages, and the Limousine Service Companies to ensure compliance with regulations and to ensure that the bylaws continue to remain relevant.
- All brokerages should provide driver name and contact information of the driver available both in vehicle and on any online application, so that the public knows who will be picking them up, but this also assists in the event of complaints or compliments.
- User friendly public complaint protocol that provides faith in the system

- An additional online registry so passengers can submit issues about a particular driver and/or brokerage. Such a system could also aggregate information from social media sources for investigation.
- Creation of an integrated rating and penalty system for drivers. A program needs to be designed to allow for removal of a taxicab driver's licence for specific periods of time based on severity or amount of infractions. Brokerages should be able to connect with ML&S and request driver information.

TAXI BROKERAGE

- **Revised Definition TAXICAB BROKER as noted above-** Any person or entity who accepts requests in any manner for taxicabs used for hire, or any person or entity who arranges, facilitates, brokers or puts into contact passengers and drivers for transportation by taxicab in exchange for a payment of a charge, fee, commission or other remuneration specifically related thereto and payable by any person or entity.
- Drivers and owners must have a service agreement with an ML&S registered brokerage. Conversely, if they are providing a limousine service, they must have an agreement with ML&S registered Limousine Service Company. The purpose is to ensure accountability for the riding public. This allows for a standard of service that is expected from customers and regulators.
- Taxicab drivers can only be with one registered brokerage at one time. That is the brokerage through which the driver has a roof sign, decals etc. for. This provides accountability to the riding public and to the regulatory bodies in that they know who to contact if there is an issue. Further, that driver must only accept non-hailed service requests from their registered brokerage (noted by roof sign, decals, etc.) dispatch service.
- The brokerage must have five (5) or more vehicles, at a minimum within, their brokerage service to receive a brokerage license from ML&S.
- The brokerages to provide to ML&S information including service logs, dispatch records, vehicle information, and driver details.
- Brokerages should provide accessible service at a service equivalency level as the general population.
- Each brokerage must provide an online platform and enforce the ability to accept non-cash payment options. Only the brokerage issued POS is allowed in each vehicle in order to provide fraud protection and dispute resolution.
- A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests.

OWNERS, DRIVERS, LESSEES

- All ground transportation drivers must only charge rates and tariffs as prescribed by ML&S.
- Taxicabs can accept hails, flags, or from designated cab stands, in addition to dispatched requests.
- All taxicab drivers and vehicles must be registered with one taxicab brokerage at a time as defined above. Dispatched orders can only be received through the designated brokerage with whom the vehicle has a roof sign, decal etc.
- All ground transportation drivers must be subject to higher scrutiny in order to maintain higher public confidence. That should include annual driver abstracts, vulnerable person's checks, and police checks all to be presented to ML&S prior to the renewal of the license.
- Drivers should no longer be able to hide poor performance by leaving one brokerage for another or by being an independent. ML&S must maintain more robust records of infractions and complaints, and create appropriate enforcement measures. Brokerages should have access to that information upon request in order to ensure quality of drivers.

TAXICAB TRAINING

- ML&S will develop a basic curriculum to be completed by every taxicab driver. Proof of completion including a test must be provided to ML&S prior to the issuance of the license.
- Training must be provided and administered by a ML&S approved provider. Such provider may be a City of Toronto licensed taxicab brokerage and / or an approved third party provider.
- In addition to the Brokerages providing updates, the City could use technology to communicate bylaw changes or industry requirements i.e. email, website, mail etc. This has the additional benefits of timeliness and eliminating the need for interval based refresher training.

TAXICAB VEHICLE SPECIFICATIONS

- All vehicles providing passenger for hire ground transportation services must provide proof of commercial vehicle liability insurance through a Financial Services Commission of Ontario (FSCO) registered insurance company. Such commercial vehicle liability insurance must be set at a minimum of \$2 million.
- All vehicles must be registered with ML&S. Safety certifications and vehicle inspections must be provided to ML&S on a 6 month basis. Only ML&S authorized garages may be used. Decentralization of garages will reduce the wait times for these services.

- New vehicles to continue to be dual purpose vehicles
- Age of vehicles should remain as is currently listed in the bylaw.
- All vehicles must have a visible meter. The taximeter in place can either be a soft or hard meter.
- All vehicles must have ML&S approved cameras
- All vehicles must have emergency lights system
- All vehicles must have a GPS
- All vehicles must have a roof light, decal, and colours of the registered brokerage
- Vehicles must be fuel efficient but not prescribed at either hybrid or electric. This allows for the flexibility of technology advancements.
- All vehicles must have an operational POS Terminals to collect payment- licensed brokers are the only one that provide and accept payment from the customer, and approve the type of payment process in the vehicles that works under the “roof sign” of the licensed company. This provides for transparency and accountability should issues arise.

FARE STRUCTURE

- No surge pricing on any ground transportation services
- Drivers must only charge rates and tariffs as prescribed by ML&S
- Suggestion: 20% across the board reduction of all current taxi rates and tariff card fees
- Review the fare structure every 2 years
- Fares may be collected in the following formats cash, credit, debit, corporate account or through an electronic fare payment system
- POS terminals as noted above must be available in all taxicabs and be provided through the brokerages
- Receipts must be available with information including driver number, contact information of the brokerage in the event of a fare dispute or processing error

TAXICAB PLATES / LICENSES

- Multi-Leasing is to be allowed under the revised bylaw
- Agents/ Licensed Taxi Brokers and Fleet Operators can be agents on taxi licenses
- One time Spousal transfer on all plates

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