CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117866

AN ORDINANCE relating to the regulation of wheelchair accessible taxicab licenses; and amending Sections 6.310.330 of the Seattle Municipal Code in connection thereto.

WHEREAS, the City of Seattle and King County have established a successful wheelchair accessible taxicab program that provides critical transportation service to a potentially vulnerable population; and

WHEREAS, existing regulations have inadvertently created an inequity in the driver requirements for wheelchair accessible and standard taxicab drivers during the first five years following the issuance of a new taxicab license that can be addressed without raising broader issues concerning the overall regulation of the taxi industry; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective November 1, 2013, Section 6.310.330 of the Seattle Municipal Code, last amended by Ordinance 122763, is amended as follows:

6.310.330 Taxicab licensee and for-hire vehicle licensee responsibilities

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K. A wheelchair accessible taxicab licensee must personally drive the vehicle a minimum of ((~~forty (40)~~))<u>thirty</u> hours per week for at least forty ((~~(40)~~))weeks per year (revocation).

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Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this _____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Leg	Ben Noble/4-8160	NA

Legislation Title:
AN ORDINANCE relating to the regulation of wheelchair accessible taxicab licenses; and amending Sections 6.310.330 of the Seattle Municipal Code in connection thereto.

Summary of the Legislation:
This legislation modifies the driving requirement for Wheelchair Accessible Taxicab (WAT) licensees and specifically reduces this requirement from 40 hours to 30 hours. This change standardizes the driving requirement for WAT and "standard" licensees during the first five years after receiving a taxicab license.

Background:
In 2007 and 2008, the City and King County conducted a two-year demonstration with wheelchair accessible taxicabs (WAT). The goals of the project were to:

- Test the economic viability of privately-owned accessible cabs to provide on-demand service at taxi meter rates; and
- Assess the demand for such services and the number of vehicles required to meet this demand.

The pilot proved successful and since 2009, the City and County issued, via lottery, a total of 52 WAT licenses; 45 dual licenses and 7 county-only. Through this lottery, the new licensees where able to obtain a taxicab license without paying the current market value of such a license.

Key Elements of WAT program
While the WAT drivers and their specialized vehicles serve all customers, the program was established under terms that recognized that service to customers with special needs would require skilled drivers with appropriate training and would impose different costs on vehicle operators. The following table highlights the special requirements to obtain and maintain a WAT license. Differences between the WAT program and standard taxicab licenses are highlighted in ***bold italics***. In reviewing this comparison it is worth noting that the requirements for all new taxicab licenses were revised in 2008, but since that time *only* additional WAT licenses have been issued.

	Regular License	WAT License
Annual License Fee	$1,050 for City & County	***$0***
Requirements to Qualify for a New Vehicle License:		
Experience	5 years within last 10 and 2 years continuous before license application	Same
Moving Violations	Not more than 2 within 5 years and not more than 1 within 2 years	Not more than ***1*** within 5 years and ***0*** within 2 years
Moving Accidents	Not more than 2 within 5 years and not more than 1 within 2 years	Not more than ***1*** within 5 years and ***0*** within 2 years
Rule Violations (as issued by taxicab inspectors)	Not more than 2 within 5 years and not more than 1 within 2 years	Not more than ***1*** within 5 years and ***0*** within 2 years
Verified Customer Complaints	Not more than 2 within 5 years and not more than 1 within 2 years	Not more than ***1*** within 5 years and ***0*** within 2 years
Restrictions on Vehicle License Once Issued:		
Period before Transfer of a New License is Possible	5 years	Same
Driving Requirement During Period before Transfer	30 hrs per week. 40 weeks per yr.	***40*** hrs per week. 40 weeks per yr.
Driving Requirement to Hold License after Initial 5 Years (Initial licensee or anyone who purchases license)	None	***40 hrs per week. 40 weeks per yr.***
Lease Restrictions on Vehicle License:		
Requirements for Lease Drivers	Lease drivers must hold valid for-hire driver's license	Same - ***but lease drivers must also have WAT certification and related training***
Lease Caps	Maximum rate = $85 per shift	Same

In summary, to qualify for a new WAT license, applicants are required to have the same level of experience, but significantly "cleaner" driving records than would be required for a new standard taxicab license. To "earn" the opportunity to transfer the newly awarded license, all new licensees must personally drive their vehicles for five years, but unlike standard licensees the

WAT licensees must drive 40 hours a week, rather than 30 hours per week. The proposed legislation would address this inequity.

However, the most significant economic difference between the two types of licenses may be that the rules require WAT licensees to personally drive their vehicles 40 hours per week, even after the initial five years (or face license revocation). This implies that the WAT licensee will not have the same opportunity as a standard licensee to become a non-driver owner who simply leases his/her license for profit after five years. The proposed legislation will reduce this on-going driving requirement to 30 hours, but it will *not* address the fact that after five years, the WAT license is still subject to the restriction that the licensee must be drive the vehicle. The same is not true for "standard" licensees. The City Council discussed this issue but determined that at this time it was not ready to make a broader change, and wanted to consider the issue of driving requirements beyond the initial five years in the context of other taxicab regulations.

Please check one of the following:

__X__ **This legislation does not have any financial implications.**
(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

____ **This legislation has financial implications.**
(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
(If yes, explain them here.)

No

b) **What is the financial cost of not implementing the legislation?**
(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs.)

None for the City

c) **Does this legislation affect any departments besides the originating department?**
(If so, please list the affected department(s), the nature of the impact (financial, operational, etc), and indicate which staff members in the other department(s) are aware of the proposed legislation.)

Finance and Administrative services, but only in terms of enforcement and the change does not impact the cost of enforcement.

d) **What are the possible alternatives to the legislation that could achieve the same or**

similar objectives? (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

Could standardize driving requirement by increasing the requirement for "standard" licensees from 30 to 40 hours.

e) Is a public hearing required for this legislation?
(If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned for the future?)

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
(For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.)

No.

g) Does this legislation affect a piece of property?
(If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.)

No.

h) Other Issues:

None

List attachments to the fiscal note below:
None.