

**Transportation Standing Committee
July 23, 2014**

TO: Chair and Members of the Transportation Standing Committee

SUBMITTED BY: Original signed
Brad Anguish, Director, Community and Recreation Services

DATE: May 16, 2014

SUBJECT: Accessible Taxis and Owner / Operators

INFORMATION REPORT

ORIGIN

At the February 5, 2014, meeting of the Transportation Standing Committee (TSC), a staff report was requested to address items presented by the Halifax Taxi Drivers Owners Association (HTDOA) relative to:

- Accessible vehicle standards;
- Accessible taxi service and zones;
- Dispatching of taxi services;
- Accessible taxi rates;
- By-law controls for an owner/operator system; and
- Economic & other changes influencing accessible taxi services.

LEGISLATIVE AUTHORITY

- *Nova Scotia Motor Vehicle Act*, Section 305(1);
- By-law T-1000, Respecting The Regulation of Taxis, Accessible Taxis and Limousines; and
- Administrative Order #39, Respecting Taxi and Limousine Regulation.

BACKGROUND

At the February 5, 2014, meeting of the TSC, following a presentation by the HTDOA, a staff report was requested to provide clarification relative to:

- **Accessible Vehicle Standards:** The HTDOA suggested all Accessible Taxis should have the capacity to transport two wheelchairs. The TSC requested additional technical information regarding lift or ramp systems, age of vehicles and vehicle identification markings.
- **Accessible Taxi Service and Zones:** The HTDOA requested that Accessible Taxis be restricted to Zones. The TSC requested clarification regarding the municipality's regulatory authority to implement Zone restrictions on Accessible Taxis.
- **Dispatching of Taxi Services:** The HTDOA suggested when contacting a dispatch service, Accessible Taxi customers are being advised to contact the drivers directly via cell phones; customers of conventional Taxis may not be treated in the same manner. The TSC has requested clarification regarding the types of dispatching or service request models used by taxis and accessible taxi services.
- **Accessible Taxi Rates:** The HTDOA suggested that Accessible Taxis are over charging customers. The TSC has requested clarification regarding regulatory controls to ensure public protection from overcharging.
- **By-law Controls for Owner/Operator System:** The HTDOA suggested that the current regulations permitting individuals to hold multiple Accessible Taxi and or Limousine owner licenses is having a negative impact on the industry and a benefit that is not available to conventional taxi owners. The TSC has requested clarification on the current regulatory provisions regarding this issue.
- **Economic & Other Changes Influencing Accessible Taxi Services:** The TSC discussed the recent increase of the number of Accessible Taxis in the industry. They requested information on the possible factors that may have contributed to this increase.

DISCUSSION

Accessible Vehicle Standards

Prior to a vehicle being licensed as an accessible vehicle for hire, it must be certified to the Canadian Standards Association regulation CSA D-409-02, Motor Vehicles for the Transportation of Persons with Physical Disabilities. This standard applies to motor vehicles other than passenger cars designed and manufactured, or converted and equipped for the purpose of transporting persons with physical disabilities, and is specific to:

- the design and manufacturing of the vehicle, lifts and ramps;
- mobility aid location and securement systems; and
- safety equipment.

The CSA standard does not specify a vehicle's capacity regarding the number of wheelchairs to be accommodated. There is no set standard size for wheelchairs. Wheelchairs are designed and adapted to the specific needs of the individual and their sizes can vary greatly. It is therefore not possible to ensure an accessible taxi can accommodate two wheelchairs at once. Where a vehicle complies with the conditions of the HRM By-law and is certified to the CSA standard, it may be approved as an accessible taxi.

Accessible vehicle identification, visibility of accessible taxis, and the age of vehicles entering the industry have been presented as issues for consideration of legislative amendments. These and other amendments will be added in a future report regarding T-1000 amendments that will be presented to the TSC. These proposals include:

- Accessible Taxis must display on both sides and front and back of the vehicle, the accessibility identification symbol;
- Accessible Taxis must display the Accessible Taxi roof light at all times while in service;
- A vehicle will not be accepted as a vehicle for hire if on the initial license date the age of the vehicle exceeds 7 model years;
- Accessible Taxis must have a fully stocked NS First Aid Kit # 3 on board;
- Accessible Taxis must have, on board, a fully charged (2 - 2.5 kg) dry chemical fire extinguisher;
- Accessible Taxis must have, on board, a seat belt cutter; and
- Accessible Taxis must have all operational manuals in the vehicle related to the operation of the ramp, mobility securement system and occupant restraint system.

Accessible Taxi Service and Zones

The NS *Motor Vehicle Act* legislation with respect to Accessible Taxicabs states that nothing shall limit, either directly or indirectly, the number of vehicles, the number of drivers or restrict the type of passengers that may be carried in an accessible taxicab. Therefore, in accordance with the *Motor Vehicle Act*, By-law T-1000 does not restrict Accessible Taxis by Zone. During a meeting on March 27, 2014, with the NS Department of Transportation and Infrastructure Renewal the following clarification was obtained;

- HRM's interpretation of the MVA in that zoning of accessible taxis would be a contravention of MVA Section 305(4)(d) is supported;
- If the HRM determines that the provisions of the MVA are preventing By-law changes, they can approach the Province on the proposed legislative changes for consideration; and
- The Province is not aware that accessible taxicab availability, in any municipality, is a problem.

Dispatching of Taxi Services

Taxi owner license holders are considered private businesses. License holders may therefore market and establish a call for service system in a manner which they view to be the most beneficial. This may include a system wherein the public would call a private dispatch broker, a direct cell phone contact, other electronic or on-line booking services or wait at taxi stands. In some municipalities dispatch services are referenced within land use by-laws and radio communication licensing requirements, but nothing specifically relating to dispatching guidelines or service standards. The NS *Motor Vehicle Act* which provides enabling legislation to regulate taxis, does not include a licensing option for dispatch services and therefore they are not regulated nor mandated by the municipal by-law.

Accessible Taxi Rates

The rate structure & controls applicable to accessible taxis are the same as those governing conventional taxi services; By-law T-1000. Accessible Taxis must have a taxi meter calibrated to rates established in Schedule 1 of Administrative Order #39. Current regulations provide that an owner or driver of a Taxi or Accessible Taxi is guilty of an offence if he or she receives or demands a fare that is greater than that registered on the vehicle's taxi meter, unless the fare is otherwise in accordance with Administrative Order #39. The rate schedule also governs the fee for transporting additional passengers and/or articles such as parcels.

By-law Controls for Owner/Operator System

By-law regulations which limit the number of taxi owner licenses and multiple taxi owner license holders only applies to Conventional Taxi owner licenses. Accessible Taxi owner licenses and Limousine owner licenses are currently exempt, in regulation, from limitations. Following a TSC presentation by staff on February 5, 2014, a temporary stay in the issuing of multiple owner licenses was undertaken. This was done in anticipation of the number of requests escalating due to the possibility of changes in the issuing of multiple Accessible Taxi owner licenses and multiple Limousine owner licenses. Upon consultation with Legal Services on April 9, 2014, the temporary stay was lifted. Proposed amendments relative to the owner/operator system will be provided in a future report regarding By-law T-1000 amendments that will be presented to the TSC.

Economic & Other Changes Influencing Accessible Taxi Services

Over the past several months, there has been a steady increase in the issuing of Accessible Taxi owner licenses. This is not the result of any regulatory change, but rather appears to be a natural transition towards a licensing option that has been available for several years. Economically, it appears to be more feasible to acquire accessible vehicles. With accessible vehicles being more readily available, a market of quality used accessible vehicles has emerged. A social and governmental shift toward all-inclusive services is also prevalent as our population continues to age, placing even greater demands for accessible services.

Presently staff and members of the Taxi Limousine Liaison Group and the HTDOA have engaged in discussions regarding the changes occurring in the taxi industry. As a result of this engagement, a Recommendation Report is coming to the TSC. This report will ask the TSC to consider a gradual and balanced approach to the changes. Recently, Regional Council adopted Healthy Communities as a core priority with a key focus on Accessibility. With the support of the TSC, the taxi industry will be better positioned to respond to the increasing accessibility demands of the future in support of this core priority.

With the number of Accessible Taxis increasing, some may perceive Conventional Taxi services in the HRM as disadvantaged as they are restricted by service Zones. Zone restrictions can be removed by amending the current legislation. It has, however, been the desire of the taxi industry itself to maintain the current zoning regulations. It should also be noted that all conventional taxi owner license holders have the option, at any time, to convert to an accessible taxi vehicle.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

Discussions surrounding the proposed items were facilitated at the meetings of the Taxi & Limousine Liaison Group and with the Halifax Taxi Drivers Owners Association.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ATTACHMENTS

There are no attachments to this report.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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