



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Schedule 24 and Schedule 25 to the City of Hamilton’s Business Licensing By-law 07-170 be amended to increase all taxicab vehicle ages to ten years and to update the term “manufacturing year” to “model year”, as described in Report PED16099(c);
- (b) That the appropriate By-law updates be enacted by Council, with content acceptable to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor;
- (c) That the item respecting Personal Transportation Providers be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

Council approved General Issues Committee Report 17-001, Item 8(c) directing the Licensing Section to monitor the operations of the new Licensing Category Personal Transportation Providers (PTP) (Schedule 24 of the Licensing By-law 07-170) over the next year to determine if any adjustments are required and report back.

The purpose of this Report is to provide an update one year after the creation of Schedule 24 (PTP) and to support the level playing field for taxis with an update to Schedule 25 (Taxi), with recommendations to ensure the effective enforcement and

monitoring of these licensed categories to ensure public safety and consumer protection.

Both Schedules 24 (PTP) and 25 (Taxi) are responding to the public's request for choice in regulated transportation options, compelling the Licensing Section to shift its role to one of accountability, auditing and proactive enforcement. The Licensing Section continues to support the movement toward the level playing field where possible, due to the competitive market, while simultaneously maintaining the City's regulatory purpose.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND

On January 25, 2017 Council approved a new Licensing Category for Personal Transportation Providers (Schedule 24 of the Licensing By-law 07-170).

Staff was directed to monitor the PTP Schedule and determine if any adjustments are required and report back to Committee.

On April 27, 2016 Council approved General Issues Report 16-011, Item 5, directing staff to develop a Licensing Category that creates a level playing field for the taxi industry while ensuring operators of ridesharing applications (apps) are licensed to ensure consumer protection and public safety.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services; Finance and Administration; Hamilton Cab; Blue Line Cab; Uber Canada Inc. and Lyft Inc. were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Uber was the first PTP licensed in March 2017, followed by Lyft in December 2017. The Licensing Section audits the electronic data received from PTP license holders to determine accuracy and to establish proactive enforcement measures. To date the enforcement staff has completed roadside inspections, call-outs through apps, blitzes and investigated complaints.

While the taxi industry was originally affected by the creation of Schedule 24, the taxi industry has responded by improving the customer experience, offering alternate payment methods, the creation/improvement of apps to order a taxicab, and improving the fleet.

The presence of smart phone technology and the rising popularity of new rideshare service platforms connecting drivers and passengers on-demand continues to increase. The rideshare service platforms provide an alternative to the traditional transportation network of booking through a dispatch or simply hailing a car on the street. Our taxicab services are also using apps to provide a similar experience for customers.

As of May 2018, Uber and Lyft are the only PTPs currently licensed. Taxify, another PTP, is in the process of licensing and there are others that have expressed direct interest in being licensed by the City.

Enacting the PTP Schedule has enabled the City to enforce effective regulations and ensure the PTP operates in a manner that protects the safety of the public while simultaneously allowing continued innovation in a competitive environment. It is that same competitive environment that prevents the sharing of data or information to ensure there is no breach of confidentiality.

Increase Vehicle Age

Currently, taxicab vehicles under three years old are required to have an annual safety inspection, and those over three years old, are required to have a semi-annual safety inspection. At this time, there is no recommendation to change this approach. However, it is being proposed that the age of taxicab vehicles increase by three years to a maximum of ten years old, to include all vehicles regardless of type. This recommendation will allow taxicab vehicle owners to hang on to their vehicles a few more years saving them some money. Current inspection regulations will maintain the health of the fleet while serving to protect public safety by ensuring that only taxicab vehicles deemed fit by a Municipal Officer are permitted to serve passengers in the City. The chart below depicts a municipality comparison as related to vehicle ages, most of which are in a response to the ride share industry and leveling the playing field.

Model Year Restrictions

Vehicle Types	MUNICIPALITIES												
	Hamilton	Brampton	Burlington	Calgary	Edmonton	London	Niagara	Orillia	Oshawa	Ottawa	Vaughan	Waterloo	Average
Accessible	7	10	8	10	10	9	10	10	10	10	10	Nil	9.7
Regular	7	9	8	10	10	9	10	10	10	10	10	Nil	9.6
Hybrid			8	10	10	9	10	10	10	10	10	Nil	9.7
First Time			5			4	3		7			Nil	4.8

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Manufacturing Year vs. Model Year

Throughout Schedule 24 (PTP) and Schedule 25 (Taxi), the use of the term “manufactured year” as related to the vehicle age, will be replaced with “model year”. This change is to bring clarity to the By-law and support to both the Rideshare and Taxi Industries as related to vehicle duration on the road and replacement. This change comes from extensive discussions with both industries and several questions, proving the use of the word “manufactured year” to be outdated and in need of an improvement to “model year”.

Conclusion

The City, as the regulator, is solely charged with establishing regulations that meet the public’s reasonable expectations of consumer protection and public safety. The objective of Schedule 24 is to provide a category that meets the public’s expectations while simultaneously being user friendly, easy to follow for those who need to comply with it, and easy to enforce for those who need to ensure it is followed. The recommendations for Schedule 25 are intended to provide increased independence and flexibility to the taxi industry to ensure it has the opportunity to innovate, thrive and compete.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016-2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

N/A

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