

Recommendations for Taxicab Regulatory Reform for Port Chester, New York

FINAL REPORT

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1. Background and Summary of Recommendations

The Village of Port Chester is currently served by a large number of taxicabs compared to other cities its size. The Village benefits from a taxi industry that is thoroughly and seamlessly integrated into the regional transportation network, serving a wide range of customers. The local taxi industry's client base includes on-call, street hail, business travelers, routine transportation for senior citizens, and student transport to local schools. The task before the Village is to ensure that the local taxi industry continues to provide a high quality transportation alternative for local businesses and citizens.

Nevertheless, substantial evidence exists that the local taxi industry suffers from several significant problems, some of which can be addressed through public policy. Issues rising to the attention of citizens and local policymakers include,

- Ongoing conflicts between dispatch companies and drivers;
- Ongoing conflicts between taxi drivers and customers, particularly senior citizens;
- Traffic circulation problems and congestion around major pick up and drop off points for passengers;
- A growing desire to tap into the entrepreneurial potential of the taxi business by existing drivers.

IZS Consult was retained by the Village of Port Chester in December 2008 to undertake a comprehensive review of Chapter 295 of the Village Ordinance covering the regulation of taxicabs within the Village in an effort to design more efficient and effective public policies to address these and other concerns.

This report incorporates information from a wide range of sources, including

- An assessment of the taxicab ordinance submitted by IZS Consult to the Village earlier in January 2009;
- Meetings with owners of dispatching companies;
- Meetings and interviews with taxi drivers and owner-operators;
- Meetings with the Strategic Taxi Review Advisory Committee as well as individual members;
- Meetings with staff and officials directly involved with the regulation of taxicabs in the Village of Port Chester;
- Meetings with taxi regulators representing the County of Westchester;
- Surveys of taxicab ordinances in Westchester County as well as other cities throughout the nation;
- Two on-site visits by the principal investigator;
- A review of the minutes from the Taxi Commission;
- Reviews of taxi complaints from the Village Clerk's office and taxi citations and violations from the village police department.

IZS Consult's investigation into the Village's taxi industry generated 13 recommendations that are explained in more depth in subsequent sections of this report, and summarized in the following text box, Appendix A, and Appendix B.

Key Recommendations for Taxicab Regulatory Reform In Port Chester, New York

- 1.1 Adopt Substitute Chapter 295 prepared by IZS Consult into the Village Ordinance as described in Appendix B.
- 2.1. Adopt a unified, flat rate fare of \$4 for all trips and customers within the Village.
- 2.2 Seek alternative funding to implement a \$2 per fare subsidy for senior citizens.
- 2.3 Adopt the Taxi Association rate sheet as a formal guideline for determining reasonable fares for destinations outside the village.
- 3.1 Adopt administrative procedures for investigating and making determinations on complaints against taxi drivers, including decisions about the renewal, suspension and/or revocation of tax driver licenses using criteria based primarily on performance.
- 3.2 Grant strategic policymaking authority to the Taxi Commission as its primary responsibility.
- 3.3 Establish the Taxi Commission as an appeals body for adjudicating administrative determinations of tax driver license status.
- 3.4 Develop and implement performance-based procedures for renewing dispatch company licenses on an annual basis.
- 4.1 Establish a minimum of four taxicab stands, including two at each major exit of the train station, with sufficient space to accommodate at least five (5) waiting cabs.
- 4.2 Establish a procedure for leasing curbside spaces to taxi companies in high traffic areas.
- 5.1 Adopt a schedule for phasing out the cap on the number of dispatching companies beginning on 1 March 2009.
- 5.2 Adopt procedures for investigating and making determinations on complaints against dispatch companies as part of an annual performance-based review of dispatch company license renewals.
- 6.1 Adopt a schedule for phasing out the cap on the number of taxi vehicle licenses by 1 January 2011.

2. Fare Structure Revisions

The Village has adopted a relatively simple and easily implemented fare structure, and this basic approach should be retained. While other cities have adopted distance based fares, often relying on taxi meters, this approach to rate setting would be inappropriate for the Village of Port Chester for the following reasons:

- The Village is relatively small (2.5 square miles) and a distance-based fare structure would provide little additional revenue to drivers or savings for customers.
- A single fare is easily processed in a cash-driven industry and easily enforced.
- The Village has jurisdiction for regulating fares only within its municipal boundaries.
- Alternative fares for destinations outside the Village have been established and generally agreed upon by drivers through the local Port Chester Taxi Driver Association.
- Installing meters would add an unnecessary financial burden to vehicle owners while providing little additional benefit.

Nevertheless, the fare structure can be improved. As broader policy goals have been adopted to meet the needs of specific customer groups, the Village has tended to shift the financial burden for those decisions onto taxi drivers (not companies or vehicle owners) through targeted fare reductions established by statute. Senior citizens, for example, can be charged a maximum fare of \$2, half the full-fare established for regular customers.

The size of this subsidy to seniors (and paid through the wages of taxi drivers) should not be underestimated. A preliminary survey of taxi drivers suggested that five to eight fares per day are generated by seniors. This translates into an approximate subsidy ranging from \$180,000 to \$328,000 each year.¹ Alternatively, the subsidy may be equivalent to between \$2,400 and \$4,400 per licensed vehicle, or between 10 percent and

¹ The large range is due to the imprecise nature of the data. Some taxi drivers reported as few as three to four senior fares per day. Others believed the number was eight or higher. The number of fares varies by time of day, day of the week, and day of the month as well. A lower bound can be calculated the following way: assume two-thirds of the 75 licensed vehicles are on the road at any given time, with each taxi generating five senior fares per day, or 247 tax rides (serving roughly 10 percent of the 3,698 people over 65 years old according to the U.S. Bureau of the Census). This implies 90,155 trips annually, or an annual subsidy of \$180,310. If three quarters of the vehicles are on the road (56 cars), then the average number of senior fares (at five per day) is 280 each day, translating into 102,200 trips annually and an implied subsidy of \$204,400. Importantly, a more detailed analysis of trip patterns by seniors using the log books of dispatch companies could generate more precise upper and lower bounds. The amount could be significantly higher if the average number of senior fares is higher. For example, if the average number of fares is eight, the implied subsidy increases to \$289,080 and \$328,500 respectively.

18 percent of a typical taxi driver's income.² Given the fare discount in the ordinance, the entire burden for the Village's decision to subsidize seniors falls on the taxi drivers. This disproportionate burden has created conflict between drivers and seniors, with some taxi drivers refusing to pick up senior fares and some dispatchers steering the lower senior fares to less popular drivers.

The long-run solution to resolving these conflicts is to shift the burden of the subsidy onto the community as a whole. Thus, we recommend the Village further simplify the fare structure and seek alternative ways to fund broader policy goals for specific customer groups.

2.1 Simplify fares

Specifically, we recommend that the Village of Port Chester adopt a uniform fare of \$4 per trip within the village *for all customers*, regardless of age. This fare should apply to all customers except users under five years old (who need to be accompanied by an adult paying full fare according to the ordinance).

In lieu of a fare reduction mandated by ordinance, the Village should fully fund the subsidy to seniors (or other targeted groups), either through the general fund or applying for federal, state, or county grants. (Community Development Block Grant programs may be particularly well suited for this type of program.)

The subsidy can be implemented through a token program (rather than fare card). The token program would be administered by the Village Clerk's office. Tokens would be valued at \$2 and could be purchased by seniors at select places, including the Village Clerk's office, the Senior Center, and local grocery stores after showing proof of age (e.g. social security card or drivers license). The tokens would be collected by drivers, and drivers would be reimbursed by the Village according to a schedule established by the Clerk's office.

2.2 Port Chester Taxi Driver Association Rate Sheet

In addition, we recommend that the Village of Port Chester adopt as formal guidelines the rates established by the Port Chester Taxi Driver Association as benchmarks for fares for destinations outside the Village. While fares for destinations outside the Village should be negotiated between the driver and the customer, the rate sheet can become a benchmark for adjudicating disputes between customers and drivers in the event a discrepancy exists and a complaint is filed. Moreover, by adopting these

² According to the U.S. Department of Labor, the average hourly wage for a taxi driver in the New York metropolitan area was \$12.88 in May 2008. See <http://www.bls.gov/ncs/ocs/sp/ncbl1197.txt>. This translates into full-time equivalent annual earnings of \$24,000 to \$30,000 per year (net of lease vehicle and lease costs). This range was verified by interviews with local taxi drivers in Port Chester.

guidelines, the Village will provide a formal signal to drivers about which rates would be considered fair and reasonable by the Village.

The Association rate sheets are particularly valuable because they have been set through the voluntary efforts of drivers and are generally accepted as fair and reasonable.

IZS recommends that the Village of Port Chester:

- 2.1. Adopt a unified, flat rate fare of \$4 for all trips within the Village.**
- 2.2 Seek alternative funding to implement a \$2 per fare subsidy for senior citizens (and other targeted groups).**
- 2.3 Adopt the Port Chester Driver Taxi Association rate sheet as a formal guideline for determining reasonable fares for destinations outside the village for the purposes of adjudicating disputes over fares in formal complaints.**

3. The Taxi Commission

The Village Ordinance currently gives the Taxi Commission broad powers. The Commission hears and adjudicates complaints, approves licenses of companies and generally interprets the meanings and applications of the Village ordinance. Unfortunately, the specific duties, authority, and powers of the Commission are not well defined, and its mission and activities can expand and contract depending on the interest and activity of individual commission members.

Because of the broad powers and wide latitude given to the Commission concerning the enforcement of the ordinance, many drivers believe that complaints and infractions of the ordinance are not heard and evaluated in a fair and impartial way.

We believe several reforms can be implemented that would significantly streamline the regulatory process. The primary goals of the following recommendations are to

- move enforcement of the ordinance more directly to the staff in the Clerk's office;
- give the Taxi Commission clearer strategic direction; and
- shift the complaint hearing process to a more performance-based approach.

3.1 Focus on Strategic Taxi Policy

The regulatory activities of the Village should focus on streamlining the regulatory procedures and focus enforcement on performance-based measures. This would be most efficiently accomplished by expanding the administrative duties and responsibilities of the Clerk's office while reorienting the Taxi Commission's primary responsibilities to focus on significant policy issues while serving as an appeals board for disciplinary actions undertaken by the Clerk's office. The latter responsibilities involve making policy judgments suited to part-time, volunteer boards while professional staff is responsible for the routine, day-to-day administration of the ordinance's regulatory provisions.

More specifically, the Taxi Commission's work would include considering and making recommendations to the Village Board on

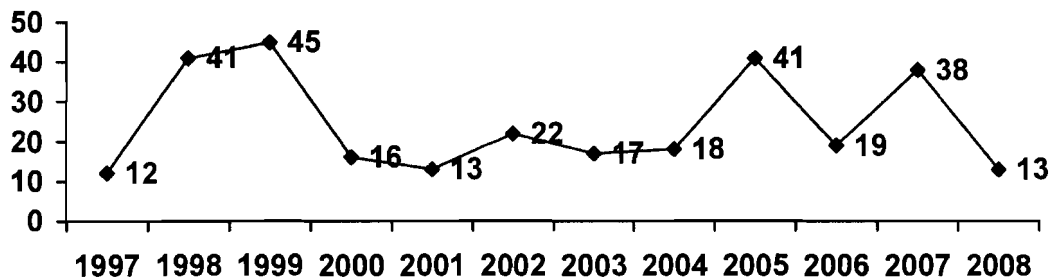
- fare policies
- dispatch company licensing and renewals
- procedures and schedules for fines
- procedures and schedules for administratively enforcing the ordinance
- the performance of the regulatory process and procedures

3.2 Driver Conduct

Citizens and taxi customers currently complain that taxi drivers subject them to verbal abuse, discourteous behavior, unsanitary rides, and other behavior that is either disallowed under the ordinance or significantly erodes the quality of the service provided. The Clerk's office conducts an initial investigation of the complaint and, if the complaint has merit, the case is forwarded to the Taxi Commission for a determination of punishment (if any). In 2008, twenty (20) complaints were filed with the Village Clerk, ranging from a failure to stop at a school cross walk to verbal abuse to reckless driving.

The number of complaints registered with the Clerk's office tracks reasonably well with the number of violations of the taxi ordinance investigated by the Port Chester Police Department (see Figure 1). Notably, the number of violations appears to vary significantly from year to year. Moreover, complaints registered with the Clerk's Office may or may not be consistent with the police department since local law enforcement often cites drivers for traffic violations and other ordinance infractions prompted by driver actions on the roads and not customer complaints.

Figure 1
Taxi Violations in
Village of Port Chester



Our investigation, however, indicated little direct relationship between local law enforcement and disciplinary action through the Clerk's Office. As the licensing agency for the Village, the Clerk's Office should have more direct oversight and resources to ensure taxi driver behavior is monitored and enforced according to standards established in the Village Code. This can be accomplished in two ways.

3.2.1 Westchester County Taxi & Limousine Commission

First, the Village can transfer licensing responsibility to the County of Westchester's Taxi and Limousine Commission. The TLC currently licenses thousands of drivers within the county, and adding Port Chester's taxi drivers to their current case

load would not unduly burden the county's staff and work flow. The County has offered to take over the responsibilities for licensing cab drivers within the Village, including conducting background checks, finger printing, and investigation of complaints. Annual renewals of taxi driver licenses would also be processed through Westchester County (although vehicle and dispatch company licensing would continue to remain a responsibility of the Village). This would likely be the most cost effective alternative, allowing the Village to devote its local resources on more pressing concerns.

This arrangement could be structured so that the Village still issues a license to drivers operating within Port Chester. The TLC license would be considered a pre-requisite for obtaining a Port Chester license, significantly lessening the regulatory burden on the Village. This approach allowing Westchester County to license Port Chester taxi drivers should occur at the end of the current licensing year if possible and result in the streamlining or deletion of the following sections of Chapter 295:

- 295-2 (Taxi Operator's License)
- 295-4 (Renewal of Operator's License)
- 295-6 (Operator's Photograph)
- 295-7 (Form/Term of Operator's License)
- 295-8 (Renewal of Operator's License)
- 295-10 (Suspension of Operator's License)
- 295-31 (Fingerprinting)

In addition, the provisions of the ordinance governing complaints (Sections 295-25 through 295-30; 295-33) and driver-related enforcement of the ordinance would have to be modified. Complaints could be investigated by the County of Westchester and the results of the investigation provided to the Village of Port Chester for determinations of suspension, revocation, or renewal of licenses.

3.2.2 Village Licensing of Drivers

Alternatively, the Village may decide to retain all driver licensing functions. In this case, we recommend a substantial reorganization of the duties, responsibilities, and procedures within the Village for processing complaints and determining the appropriate disciplinary actions. More specifically, we recommend creating a more transparent and accountable process that more effectively ensures due process for taxi drivers and creates certainty about disciplinary actions in the event a driver violates the ordinance.

In order to streamline the disciplinary procedures, we recommend that much of the investigation and initial disciplinary action be handled administratively, reserving the Taxi Commission's involvement for appeals of administrative determinations. These administrative procedures should not be incorporated specifically into the code although they should formally be adopted by the Taxi Commission and the Village Board of Trustees as official administrative procedures adopted to implement the intent of the code. The following step-by-step procedure for evaluating driver complaints can serve as an outline for an administrative process for determining whether disciplinary action is warranted and how fines, suspensions and/or license revocations should be handled.

Proposed Procedure for Reporting, Investigating and Enforcing Regulatory Actions Concerning Taxi Drivers

1. Complaints against taxi drivers are filed with the Village Clerk.
2. Staff within the Village Clerk's office conduct an initial investigation to determine whether the complaint has merit.
3. Once the investigation is completed, a notice of "disciplinary determination" is filed in the driver's file that includes the initial complaint and an administrative decision whether the complaint has merit.
4. If the complaint does not have merit, the notice of disciplinary determination will say "complaint resolved" or "complaint dismissed" with an explanation of the investigation, the evidence gathered, and the name of the staff member conducting the investigation and making the decision.
5. If the complaint is found to have merit, a notice of disciplinary determination marked "complaint validated" will be placed in the driver's file along with the initial complaint, the evidence gathered, and the name of the city staff or contract investigator who made the determination or recommendation, and a record of administrative disciplinary action.
6. Fines, suspensions, or license revocations should be administered according to a schedule of violations approved by the Taxi Commission. The schedule of violations will include Class 1 and Class 2 violations (see Table 1).
7. Class 1 violations include infractions of the ordinance that result in an immediate suspension of the driver's license for 30 days. In the event a Class 1 violation is combined with a conviction in traffic or criminal court, the driver's taxi license will be revoked without recourse to an appeal to the Taxi Commission.
8. Once a driver has received three (3) Class 2 violations within a 12 month period, the taxi license will be suspended for 30 days.
9. Two (2) suspensions within a 24 month period will result in an administrative revocation of the taxi driver license.
10. The Taxi Commission will serve as an Appeals Board for complaints that result in suspensions or the revocation of a driver's license.

Table 1: Sample Schedule of Violations and Disciplinary Actions		
Class 1	Disciplinary Action	Immediate Appeal?
Reckless driving, speeding, red light	30 day suspension	Yes
Driving unsafe vehicle	30 day suspension	Yes
Driving without license	30 day suspension	Yes
D.U.I.	Revocation of license	No
Class 2	Disciplinary Action	Immediate Appeal?
Overcharging	\$150 Fine	Yes
Discourteous behavior/verbal abuse	\$150 Fine	Yes
Failure to provide clean, uncluttered ride	\$150 Fine	Yes
Failure to display taxi license/ID	\$100 Fine	Yes
Failure to take a direct route	\$100 Fine	Yes
Failure to keep a trip sheet	\$100 Fine	Yes
Failure to provide receipt	\$50 Fine	No
Failure to provide exclusive ride	\$50 Fine	No
Refusal to pick up passenger	\$50 Fine	No
Failure to provide change	\$50 fine	No
Failure to furnish fare card	\$50 fine	No
Conviction on minor traffic violation	\$50 fine	No

3.3 Renewal of Dispatch Company Licenses

The Taxi Commission will also be responsible for reviewing applications for new dispatch company licenses and the annual renewal of licenses for existing dispatch companies. As in taxi driver licensing, the granting and renewal of dispatch company licenses would be annual and dependent on performance-based criteria such as ability to resolve customer complaints, response times, etc. (see Section 5 of this report.)

IZS Consult recommends that the Village of Port Chester:

- 3.1 Adopt administrative procedures for investigating and making determinations on the renewal, suspension and/or revocation of tax driver licenses based primarily on performance.**
- 3.2 Grant strategic policymaking authority to the Taxi Commission as its primary responsibility.**
- 3.3 Establish the Taxi Commission as an appeals body for adjudicating administrative determinations of taxi driver license status.**
- 3.4 Develop and implement performance-based procedures for renewing dispatch company licenses on an annual basis.**

4. Taxicab stands

The relatively large number of taxis serving the Village currently strains local law enforcement and creates traffic circulation challenges, particularly in the areas surrounding passenger pick up and drop off areas. More specifically, local police struggle to ensure traffic keeps moving, taxis take up valuable on-space parking, and drivers complain because they receive tickets for double parking. These problems can be addressed directly and indirectly by expanding the number of taxicab stands within the village and increasing options for leasing curbside space for taxis and dispatch companies.

4.1 Number and Locations of Taxicab Stands

Taxicab stands are located near high volume passenger pick up and drop off areas. They serve several important purposes including:

- Providing convenient access to taxis for customers;
- Providing a staging area for idle taxis to reduce congestion.

Taxi drivers, in particular, complain about the frequency of receiving tickets from local police because of idling while waiting for fares or double parking. Taxicab stands provide a legal area for taxis to wait without disrupting traffic flows.

We recommend the village consider creating at least two and as many as five taxicab stands (Table 2). A taxicab stand at the south exit of the Train Station on Westchester Avenue would be particularly valuable and should receive the highest priority. While drivers seemed less interested in a taxicab stand on the north entrance on King Street, on-site observations and discussion with local law enforcement suggest a taxicab stand would also provide valuable access to customers and improve traffic circulation in this location as well.

Taxi Stand	Location	Spaces
Train Station N	North exit, King Street	2
Train Station S	South exit, Westchester Ave	4
Kohl's Department Store	South Main Street	2
Pathmark	Midland Avenue	2
Home Depot	Midland Avenue	2

In addition, the Village should consider adding taxi stands near significant new developments that might generate high volumes of transient travelers, including hotels

and performing arts venues. The Loews Cineplex in downtown Port Chester may also be another location for taxicab stands although interviews with drivers suggested this destination does not generate significant traffic for taxis.

4.2 Increase On-street Parking Options

The Village should also consider allowing companies to rent on-street parking spaces to serve as staging areas for idle taxis and serve walk-up customers for dispatch companies. The number of spaces can be limited, either as a cap on the overall number of locations that can be leased or the number of spaces allowed per taxicab operator/company. These agreements could be structured to ensure any revenue lost through discontinued parking meters is replaced by revenues from the leaseholder.

Currently, the Village generates revenue from curbside parking through parking meters. These spaces could be leased to taxi vehicle owners or dispatch companies in two ways:

- Annual leases could be negotiated with dispatch companies and/or vehicle owners for curbside parking spaces equivalent to the current revenue generated plus an additional fixed price fee for leasing and enforcing the contract (e.g., 5 percent of the revenue generated);
- Companies and taxi vehicle owners could bid on one-, two-, or three-year leases through a competitive bidding process. This process would include a 30-day bidding window, and the lease would be awarded to the highest bidder.

IZS Consult recommends that the Village of Port Chester:

4.3 Establish a minimum of four taxicab stands, including two at each major exit of the train station, with sufficient spaces to accommodate at least five (5) waiting cabs.

4.4 Establish a procedure for leasing curbside spaces to taxi companies in high traffic areas

5. Licensing Dispatch Companies

The Chapter 295 of the Village code currently establishes a maximum of four businesses for providing dispatch services within the Village. Two individuals have applied for dispatch company licenses, asking the village to repeal the cap. Both applicants have argued that they can provide services to taxi drivers currently unavailable, both in terms of serving targeted populations (e.g., seniors) and in providing a more hospitable work environment for drivers.

Drivers currently complain that the existing dispatching companies provide a hostile working environment, accusing the dispatchers of

- Using abusive language with the drivers (including frequent profanity);
- Steering high value fares (e.g., Westchester Airport) to favored drivers;
- “Punishing” some drivers by assigning them low margin fares (e.g., senior citizen calls);
- Black balling drivers that complain to company owners about working conditions; and
- Collusion among existing companies to limit the ability of drivers to improve their working conditions.

Most of the twenty drivers interviewed during the research for this report believed that the only effective way to improve working conditions would be to allow additional companies to be licensed. Additional dispatching companies would provide alternatives for current drivers and limit the potential for collusion among the existing owners and dispatchers.

Enforcing the cap is also problematic from a practical perspective because two of the companies (Village Taxi and Port Chester Taxi) are owned by members of the same family. The companies share dispatching services and the two taxi services are virtually indistinguishable for taxi consumers. In fact, a taxi consumer may well call Village Taxi (or PC Taxi) and be picked up by a car from PC Taxi (or Village Taxi). Thus, in practical terms, the Village of Port Chester is serviced by three functioning taxi companies even though four are legally licensed.

IZS Consult recommends a phased lifting of the cap on the number of licensed dispatching services permitted to operate within the Village. More specifically, we recommend:

- Licensing at least one additional dispatch company as of 1 March 2009, effectively allowing four companies to operate within the village.
- Licensing another dispatch company as of 1 September 2009, effectively increasing the number of companies operating within the village to five.

- Adopting an administrative approval process for future dispatch companies on or before 1 June 2010, effectively phasing out the cap entirely.

IZS Consult also recommends strengthening the performance review standards for licensed dispatching companies as a condition for the annual renewal of its operating license. The suspension or revocation of a dispatching company license should be based on a consistent failure to perform services in a satisfactory way, including

- Repeated failures to dispatch taxis to customers in reasonable time;
- Repeated failures to resolve customer complaints; and
- Failure to keep an accurate trip log of calls.

Complaints against cab companies may be filed by taxi customers and taxi drivers. The Village Clerk will investigate each complaint, rendering a administrative judgement concerning the validity of the complaint. Each complaint will become part of the permanent file of each licensed cab company and would be used during the Taxi Commission's annual review of each dispatch company's license.

IZS Consult recommends that the Village of Port Chester:

- 5.3 Adopt a schedule for phasing out the cap on the number of dispatching companies beginning on 1 March 2009.**
- 5.4 Adopt procedures for investigating and making determinations on complaints against dispatch companies as part of an annual performance-based review of dispatch company license renewals.**

6. Taxi Vehicle Licenses

Currently, the Village of Port Chester issues a maximum of 75 licenses to vehicles for the purpose of providing taxi services within the Village. No cap exists on the number of taxi drivers, and 137 individuals are currently licensed to operate taxicabs within the village according to the Clerk's office.

Some drivers expressed concern that allowing more taxicabs to operate within the village would reduce the profitability of existing services. Some citizens also expressed concern that increasing the number of taxis would further congest streets.

Yet, often the most effective way for drivers to become true business owners is to acquire and absorb the costs of financing, maintaining, and operating their own vehicle. Vehicle ownership allows drivers to maximize the value of their vehicle by hiring additional drivers to operate the taxi during off hours. Indeed, the revenue earning potential of the vehicles has become an important source of equity for individual taxi drivers as well as the cab companies. Each company currently owns licenses for four to six cars, and these cars are leased to drivers, creating an important revenue stream for the dispatch companies.

The cap on the number of vehicles, however, has also created a "gray market" for taxi vehicle licenses. Since the Village routinely transfers taxi operator licenses to new vehicles owners at the request of the previous owners (see Section 295-13), the licenses have an economic value based on their ability to generate revenue for the new owners. Based on interviews with current owners and drivers, a taxi vehicle license current sells on the gray market for \$25,000 to \$30,000.

The gray market price reflects the economic value of taxis in the current, capped market. Despite the relatively large number of taxis for a village of Port Chester's size, the gray market price for a taxi license is a strong indicator that sufficient demand exists to accommodate more taxis. As the supply of taxis increases, the gray market value for each additional taxi license will fall.

The existence of the gray market for taxis has created significant inefficiencies within the Village's taxi market. In some cases, vehicle licenses have been transferred from owners even though the title of the vehicle has not. This has created uncertainty about the ownership of the licenses and compromised the ability of some vehicle owners to earn sufficient revenue to pay loans used to capitalize their business.

One option is to immediately lift the cap on vehicles. This would effectively eliminate the gray market for taxi licenses, allowing the number of vehicles to increase and decrease (like the number of licensed drivers) according to supply and demand. While this would increase the number of taxi's on the streets, the village would likely see

a greater variety of services provided, including more drivers and companies serving targeted (or niche) markets.

Unfortunately, an immediate lifting of the cap would significantly erode the equity in existing taxicab ordinances and place new owner-drivers and at least one taxi company at financial risk.

A more prudent approach that would allow existing drivers to recoup some of the value of their outlays on the gray market while creating more flexibility into the vehicle market to meet unmet demand would be a phased elimination of the cap.

Thus, we recommend a phasing out of the cap in increments established within the taxicab ordinance with the goal of completely eliminating a cap by 1 January 2011 according to the schedule and provisions outlined in Table 3.

Table 3: Proposed Phase Out Schedule for Taxi Vehicle License Cap		
Benchmark	No. of Taxis	Key Provisions
1 March 2009	79	75 existing licenses plus one additional license for each licensed dispatch company
1 January 2010	85	80 existing licenses plus five additional licenses to applicants on waiting list
1 June 2010	90	85 existing licenses plus five additional licenses to applicants on waiting list
1 January 2011	90+	Complete phase out of cap

Once a vehicle is taken out of taxi service, the taxi license reverts immediately to the Village to be allocated to a new applicant.

IZS Consult recommends that the Village of Port Chester:

6.2 Adopt a schedule for phasing out the cap on the number of vehicle licenses by 1 January 2011.

Appendix A

Summary of Major Revisions to Chapter 295

Section	Provision	Assessment/Comments
295-1	Definitions	No recommended changes
295-2	General requirements	Added language of intent
295-3	Taxi Operators License	No recommended changes
295-4	Application for Taxi Operators License	Minor changes in language, plus: <ul style="list-style-type: none"> • <u>Subsection A(7)</u>: delete character references & rely on performance-based review of driver behavior. • <u>Subsection A(9)</u>: delete (redundant and unnecessary) • <u>Subsection B</u>: providing false references is fraud.
295-7	Taxi Commission	Major revisions
295-6	Operator's photograph	No recommended changes
295-7	Form/Term of Operator's License	Delete Subsection F since New York state law prevents past criminal record from impacting hiring decisions unless they are directly related to job performance.
295-8	Renewal of operator's license	Minor language revisions
295-9	Fees (by reference)	No recommended changes
295-10	Suspension of operator's license	Major revisions including recommendation to move toward performance-based review of driver complaints
295-11	Licensing vehicles	Major revisions including proposed schedule for removing vehicle cap
295-12	Application for vehicle license	Minor revisions
295-13	Renewal of taxicab license	Minor revisions except wording more strictly regulating transfer of licenses
295-14	Condition of vehicles	Minor revisions
295-15	Inspection of vehicles	Minor revisions
295-16	License card	No recommended changes
295-17	License fees (by reference)	Minor revisions
295-18	License revocation/suspension	Recommend deletion since this is superseded by Section 295-10
295-19	Complaints	Minor revisions
295-20	License of company dispatching	Major revisions including elimination of cap on number of dispatching companies
295-21	Register of licenses taxicabs	No recommended changes
295-22	Taxicab stands	Major revisions
295-23	Regulation of taxicabs at stands	No recommended changes

295-24	Fares	Major revisions, including elimination of explicit fare subsidy for senior citizens and half rate fares for children between 5 and 12 years
295-25	Prepayment/refusal to pay	No recommended changes
295-26	Receipt/trip sheet	No recommended changes
295-27	Overcharge/undercharge	No recommended changes
295-28	Soliciting	No recommended changes
295-29	Articles found in taxicab	No recommended changes
295-30	Penalties for offenses under Chapter 295	No recommended changes
295-31	Fingerprinting	Major change for role of Clerk
295-32	Enforcement	No recommended changes
295-33	Dress code, street map, passenger limit, bill of rights	Recommended changes to Taxi User's Bill of Rights

Appendix B:

Proposed Substitute Chapter 295 Taxicabs

GENERAL REFERENCES

Fees — See Ch. 175.

Licensed occupations — See Ch. 206.

Vehicles and traffic — See Ch. 319.

§ 295-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD: The Board of Trustees of said Village.

CLERK: The Clerk of said Village, and the Board's designee with respect to administration of the provisions of this chapter, unless otherwise stated to the contrary.

DISPATCH COMPANY: Any person(s), corporation, partnership or other entity that solicits or receives requests for taxi service.

OWNER: Any person having title to one or more vehicles used for hire as taxicabs upon the streets of the Village of Port Chester.

PERSON: One or more persons of either sex, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

RATE DECAL: A decal on which is printed the tariff rates in said Village as provided in this chapter shall be displayed conspicuously by being affixed to the rear of the front passenger seat or headrest and should not only post the fares for trips within the Village, but also advise passengers that fares for trips outside the Village are to be determined by agreement in advance of a trip, on a decal of a uniform size as prescribed by the Village Clerk. The rate decal shall be issued to the owner of the vehicle. The operator's license card, which shall also include the rates, will be issued to the operator.

STREET: Any street, alley, avenue, court, bridge, lane, public place or shopping center in the Village of Port Chester.

TAXICAB: Any motor vehicle engaged in the business of carrying persons for hire within the limits of the Village of Port Chester, whether the same is operated from a street stand or subject to calls from a garage, or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Law or used by undertakers in carrying on their business.

TAXICAB LICENSE: Permission granted to any person to own or register a vehicle for hire as a taxicab in said Village.

TAXICAB OPERATOR: Any person who operates a taxicab, whether such person is the owner of such taxicab or registrant of such taxicab or employed to operate such taxicab.

TAXICAB STAND: Any place alongside the curb of a street or elsewhere which is exclusively reserved for the use of taxicabs.

TAXI OPERATOR'S LICENSE: Permission granted to any person to operate a taxicab in said Village.

VILLAGE: The Village of Port Chester.

§ 295-2 General Purpose requirements.

This chapter of the Village Code provides for the orderly regulation of taxicabs within the Village with the goal of ensuring residents and businesses have access to reliable and high quality taxi service as an integrated transportation alternative within and outside the Village. It shall be unlawful for any person to operate any taxicab without first having obtained and paid for a license to operate a taxicab, and having the same in force and effect, under the provisions of this chapter.

§ 295-3 Taxi operator's license.

No person shall operate a taxicab and no owner or registrant or dispatcher shall permit anyone to operate a taxicab within the Village without such operator having first obtained and paid for and having in force and effect a taxi operator's license under the provisions of this chapter.

§ 295-4 Application for taxi operator's license.

A. Each applicant for a taxi operator's license must comply with the following to the satisfaction of the Clerk:

(1) He /she must first have obtained a Class E A or a public service license from New York State.

(2) He/she shall be of the age of 18 years or over.

(3) He/she shall be of sound physique, with good eyesight and not subject to physical or mental conditions ~~epilepsy, vertigo, heart trouble or any other infirmity of body or mind~~ which might render said applicant unfit for the safe operation of a public vehicle, to be evidenced by the production of a physician's certificate. Operators must have a physical examination every year, to be evidenced by producing a physician's certificate that renders said operator fit for the safe operation of a public vehicle. An operator who suddenly develops an illness or disability between regular periods of physical examination, temporarily preventing him or her from operating a cab, must be

reexamined by a physician and show evidence that he or she is fit for the safe operation of a public vehicle.

(4) He/she shall be able to understand the rules and regulations which govern this chapter and pass a written examination to be given by the Clerk with regard to same.

(5) He/she shall be clean in dress and person.

(6) He/she shall not be addicted to the use of intoxicating liquor or drugs.

~~(7) He /she shall produce, on duplicate forms to be provided by the Clerk, affidavits of good character from two responsible persons who are not related to the applicant and who have known him or her personally and have observed his or her conduct for at least one year preceding the date of his or her application.~~

~~(7)~~(8) He/she shall fill out, on duplicate blank forms to be provided by the Clerk, a statement giving his or her full name; residence for five years previous to moving to his or her present address; age; social security number; telephone number; height; color of eyes and hair; place of birth; whether a citizen of the United States or resident alien with proof of same; ~~places of previous employment during the five years previous to the application, with dates of each employment; whether married or single; whether convicted of a felony or misdemeanor;~~ whether previously licensed as a taxi operator; if so, whether such license has ever been revoked and for what cause; and the class number of license issued by the state, which statement shall be signed and sworn to by the applicant and filed with the Clerk as a permanent record. The original application shall be filed with the Clerk. A copy of said application shall be forwarded by the Clerk to the Police Department, which shall report on same.

~~(9) He/she shall agree to submit to drug and alcohol testing upon reasonable suspicion of intoxication or impairment through a panel of physicians selected by the Village.~~

~~*B. False statements.*~~

~~(1) Each application shall contain the following statement: "It is a crime punishable as a Class A misdemeanor to knowingly make a false statement therein.~~

~~(2) Any false statements made by the applicant for a taxi operator's license shall be promptly reported by the Clerk to the Village Attorney. The Clerk is empowered to require such additional information as may be deemed necessary.~~

§ 295-5 Taxi Commission.

A. The Board of Trustees shall appoint a board consisting of seven responsible citizens of the Village, and it shall be known as the "Board of Taxi Commissioners." There shall be an alternate member of the Taxi Commission who shall have a term of three years and have the same authority of a regular member in the event that his or her presence is

required to constitute a quorum. The Board of Taxi Commissioners shall meet on no less than a quarterly basis and report to the Board of Trustees on the administration of the Taxi Code. The term of office should be for three years on a rotating basis.

B. The primary responsibilities of the Taxi Commission shall be, but not limited to,:

- (1) Evaluating and making recommendations to the Board of Trustees concerning regulatory policy and the adoption of the administrative rules necessary to implement and enforce the provisions of this chapter;
- (2) Approving and enforcing the of fines and penalties for drivers, taxi owners, and dispatch companies for infraction of this chapter;
- (3) Review and approval of applications for to start and operate a Dispatch Company within the Village;
- (4) Evaluate and renewal applications for taxi cab driver within the Village;
- (5) Hear appeals concerning disciplinary actions administered through the Clerk's Office consistent with its implementation of the various sections within this chapter.

~~(C)~~B. Except as otherwise provided in this chapter, the Taxi Commission may request any licensee to appear before it for a hearing based upon any complaint against such licensee relative to the provisions of this chapter or any other applicable local law or state law. Upon request, the Taxi Commission shall receive from the Justice Court all reports of any convictions for which a summons was issued and shall, upon request, be provided copies of complaints received by the Police Department and complaints received from the public and copies of all accidents involving the licensee. The licensee shall be given the opportunity to be heard, including the right to present witnesses, confront his or her accuser and the right to cross-examine witnesses against him or her. After a hearing, the Taxi Commission may suspend or revoke any such license or take such other action as it may deem proper. It shall file its determination together with supporting findings of fact with the Clerk, who shall forward a copy of same to the licensee.

§ 295-6 Operator's photograph.

Each applicant for a taxi operator's license must file with the application four unmounted, unretouched colored photographs of himself or herself, showing his or her full face and no part of the person below the shoulders, taken within the 30 days preceding the filing of the application. Photographs shall be of a size which may be easily attached to the license, one of which shall be attached to the license when issued and one attached and filed with the application. Each licensed operator shall, upon demand, exhibit his/her license and photograph for inspection. The photograph shall be so attached to the license that it cannot be removed and another photograph substituted without detection.

§ 295-7 Form, ~~and term,~~ suspension, and revokation of taxi operator's license.

A. Upon satisfactory fulfillment of the foregoing requirements, there shall be issued to the applicant a badge and license which shall be in such form as to contain a photograph and signature of the licensee.

B. The license and badge shall bear the same number and shall be numbered by the Clerk, and the license shall contain the name and place of residence of the licensee and the dates of issuance and expiration of the license.

C. The badge shall be conspicuously worn at all times that the licensee is in charge of the taxicab, and the license shall be placed on the right-hand side of the dashboard in an upright position in the taxicab which is in the charge of the licensee so as to be fully visible at all times to passengers in the taxicab.

D. Licenses shall be issued as of July 1 in each year and shall be valid to and including June 30 of the next succeeding year unless previously suspended or revoked.

~~E. No license shall be issued to a person who has been convicted of a felony.~~

~~E. F.~~ Taxi operator's licenses shall not be transferred.

§ 295-8 Renewal of taxi operator's license.

A taxi operator's license ~~may~~ shall be renewed from year to year by the Clerk after completion of a new application, signed and sworn to by the applicant, unless the taxi operator's license has been suspended or revoked based on the procedures established in Section 295-10 of this Code. Four recently taken colored photos shall be submitted. The operator's license holder shall apply for renewal within 30 days prior to the expiration of said license; if not applied for within that time period, said license at the conclusion of said period shall be deemed abandoned.

§ 295-9 Fees for badge and operator's license.

A. See Chapter 175, Fees, § 175-4, for operator's license fee.

B. There will be an additional fee for replacement of lost badges also as provided for in Chapter 175 of the Code.

§ 295-10 Suspension or revocation of operator's license.

~~The Clerk may request any operator licensed hereunder to appear before him or her for an informal hearing based on any complaint, or on his or her initiative, if there is cause to believe that the licensee has violated any provision of this chapter or any other local law or state or federal law, or that said operator's continued operation of a taxicab would jeopardize the public safety. Upon a hearing, the Clerk may suspend an operator's license~~

~~up to a maximum of five days. If, in the discretion of the Clerk, the appropriate penalty should be in excess of a five-day suspension or a revocation of the license, the Clerk shall refer the matter to the Taxi Commission for a formal hearing which shall conduct same under the procedures set out in § 295-5B of this chapter.~~

A. A taxi operator's license may be suspended or revoked by the Village Clerk or Taxi Commission if, based on an investigation and finding of fact, the taxi operator has violated the rules and regulations governing proper driver conduct or behavior, including violations of the Taxi User Bill of Rights, as set forth in this ordinance and administrative rules adopted by the Village of Port Chester. These rules will include Class 1 and Class 2 violations. Upon a finding of fact by the Clerk's office supporting a violation, the taxi operator will be subject to disciplinary action that may involve suspension, revocation and/or fines based on the type and frequency of the violation.

(1) Class 1 violations lead to the immediate 30-day suspension of a taxi operator's license.

(2) Class 2 violations result in fines according to schedule adopted by the Village Clerk and approved by the Taxi Commission.

(3) The accumulation of three (3) Class 2 violations within 12 months will result in an immediate 30-day suspension of the taxi operators license;

(4) The accumulation of two (2) suspensions within a 24 month period will result in the revocation of a taxi operator's license.

(5) Taxi operators are entitled to an appeal of a license suspension or revocation before the Taxi Commission. All decisions of the Taxi Commission will be final.

B. Any such suspension, revocation or other disciplinary action shall be noted on the records of the Clerk, together with a statement of the reasons therefor, a copy of which shall be given to the licensee, and the operator shall be deprived of his or her license accordingly.

§ 295-11 Licensing of vehicles.

A. It shall be unlawful for any person to own a motor vehicle to be operated as a taxicab upon the streets of the Village without first having obtained therefor a taxicab license under the provisions of this chapter from the office of the Village Clerk. Such license shall be issued as of July 1 and shall be valid to and including June 30 next succeeding, unless previously suspended or revoked. ~~No license shall be issued unless said person and vehicle are affiliated with a dispatching company duly licensed under the provisions of this chapter. No license shall be issued to a person convicted of a felony.~~

~~B. Pursuant to the authority granted to the Board of Trustees under § 181 of the General Municipal Law, there shall not be more than 75 taxi licenses in the Village of Port Chester at any time. A cap on the maximum number of taxi licenses in the Village at anytime shall be terminated as of March 1, 2009, and the number of licenses issued by the Village shall increase according to the following schedule:~~

- (1) March 1, 2009: 75 licenses to existing taxicab license holders plus one additional new license for each licensed dispatching company.
- (2) January 1, 2010: 80 licenses to existing taxicab licenses plus plus five additional new licenses given to the first five applicants on a waiting list of applicants held by the Village Clerk.
- (3) June 1, 2010: 85 licenses to existing taxicab licenses plus plus five additional new licenses given to the first five applicants on the waiting list of applicants held by the Village Clerk.
- (4) January 1, 2011: Termination of maximum number of cab license operating within the village.

§ 295-12 Application for taxicab license.

A. Application for a taxicab license shall be made by the owner upon blank forms furnished by the Clerk. Such application shall contain a statement giving:

- (1) The name, address and business office address of the owner of such vehicle.
- ~~(2) If the vehicle is registered to a person other than the owner, the name and address and place of business of the person, firm, partnership, corporation or other entity to whom the vehicle is registered.~~
- ~~(2)~~ (3) The make, model and year of the vehicle.
- ~~(4)~~ (3) Vehicle identification number (V.I.N.) of the vehicle.
- ~~(5)~~ (4) Vehicle registration number and a copy of the current New York State vehicle registration.
- ~~(6)~~ (5) Evidence of current inspection and insurance in compliance with state law.
- ~~(7) Place and date of any felony and misdemeanor convictions of all persons to whom such vehicle is to be registered.~~
- ~~(8)~~ (6) Place and date of any previous licenses in the Village or other jurisdictions for the ownership or operation of a taxicab.
- ~~(9)~~ (7) Whether the applicant's license to own or operate a taxicab has ever been suspended or revoked and, if so, for what cause.
- ~~(10) The name of the company that will dispatch for the vehicle.~~
- ~~(11) Written consent of the dispatching company for said vehicle.~~

~~(12) Name and address and a certified copy of the taxi operator's license and a copy of the New York State motor vehicle operator's license for persons who will operate the vehicle.~~

~~(13) (10) Such other information as may be prescribed by the Clerk.~~

B. False statements.

~~(1) Each application shall contain the following statement: "It is a crime punishable as a Class A misdemeanor to knowingly make a false statement herein."~~

~~(2) Any false statements by the owner of a taxicab shall be promptly reported to the Village Attorney and may be considered grounds for the suspension or revocation of the taxicab license. The Clerk is authorized to require such additional information as may be deemed necessary.~~

§ 295-13 Renewal of taxicab license; duties and rights of license holder during the licensing year.

A. All applications for renewal shall be returned for approval at least 30 days before the expiration date. Proof of liability insurance and that the applicant is the owner or registrant in compliance with the Vehicle and Traffic Law must accompany the renewal application.

B. It shall be the duty of the owner and/or the registrant to immediately report to the Clerk any cancellation or revocation of insurance or any change in the availability of the licensed vehicle to operate as a taxicab or any change in the company dispatching said vehicle.

C. A licensed vehicle owner may replace the licensed taxicab with another vehicle if the taxicab shall become disabled, disqualified for service or the like, provided that the license holder makes prior application to the Clerk and makes payment of a fee as set out in Chapter 175 of the Code, and that said replacement vehicle complies with the requirements of this chapter.

~~D. Upon prior application and approval by the Clerk, transfers of the taxicab license shall be permitted and authorized upon the consent of the transferor/licensed vehicle owner provided that the transferee meets the license requirements of § 295-12 with payment of a fee as set out in Chapter 175 of the Code. Taxicab licenses are not transferable after March 1, 2009 except for circumstances covered by Section 295-13(c).~~

~~E. Upon prior application and approval by the Clerk, if a licensed vehicle is to be reregistered by a taxicab license owner to another person or entity then said owner must provide a complete application containing the information required in § 295-12A(2) through (13), inclusive, with payment of a fee set out in Chapter 175 of the Code.~~

§ 295-14 Condition of vehicles.

A. Each taxicab shall have permanently painted and affixed to both front doors the name of the dispatch company, the business telephone and the number of the vehicle. Said letters and numbers shall not be less than three inches in height.

B. There shall be a distinctive and unique color scheme for all dispatch companies which shall be in use by all taxicabs no less than three years from the effective date of this chapter. ~~Each company will be assigned a designated color by the Clerk and all~~ All taxis working through that company shall bear that color and the color scheme will be recorded by the Village Clerk.

C. Each taxicab shall be equipped with an outside roof or dome light with flashing mechanism to clearly indicate when a taxicab is available for hire or off duty and, when flashing, to indicate distress.

§ 295-15 Inspection of vehicles.

A. No vehicle shall be licensed until it has been thoroughly inspected and found to be in a safe condition for the transportation of passengers.

B. Every taxicab operating on the streets and highways of the Village of Port Chester shall at all times be equipped as prescribed on the taxi inspection form, which can be obtained from the office of the Village Clerk.

(1) Appearance.

(a) Every vehicle shall be well painted and in good appearance, interior and exterior.

(b) Any cab damaged in any way must be reported to the Clerk within 24 hours of the accident, ~~at which time a form will be provided to the owner of said cab which must remain in the vehicle until such time as repairs are made. The cab must be~~ and repaired no later than 30 days from the date of the accident. When repairs are made the vehicle must be inspected to the satisfaction of the Clerk or his designee and meet all requirements for operating a safe and serviceable cab as defined by this code.

(2) The baggage compartment of every vehicle shall be clean and capable of holding passengers' baggage.

~~(3) Maximum age of the vehicle shall be no more than 10 years of the present year of manufacture.~~

~~(3)-(4) Taxicabs shall be kept clean.~~ Every taxicab operated in the Village of Port Chester shall be kept in a clean and sanitary condition. ~~and shall be swept and dusted at least once a day.~~ The interior woodwork, glass and floor shall be cleaned thoroughly with suitable antiseptic solution.

~~(4) (5)~~ Cabs shall be kept in repair. Every taxicab shall be kept in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuous and satisfactory operation.

C. Each vehicle shall be subject to random inspection at least two times per year. ~~Inspection of vehicles shall be semiannually.~~ The inspection shall be performed by a private garage licensed as an inspection station, so designated by the Village, or the Village garage, the cost of which is to be borne by the applicant. Each vehicle must be inspected within 24 hours of receiving notice from the Clerk of the need for inspection.

§ 295-16 License card; rate card.

A. If, upon inspection, a taxicab is found to be of lawful construction and in proper condition, in accordance with the provisions of this chapter, upon the payment of the license fee hereinafter set forth, the same shall be licensed by delivering to the license holder a card of such size and form as may be prescribed by the Clerk.

B. The card shall contain the official license number of the taxicab, together with the date of inspection of the same, and a statement to the effect that, in case of any complaints, the Clerk shall be immediately notified by the licensee, who shall give the license number of the taxicab and a detailed statement of the complaint. The complainant may lodge complaint with the Clerk. The owner shall also display a rate card in the vehicle which is visible to the riding public, said card to be furnished by the Clerk.

§ 295-17 License fees for vehicles.

A. Each taxicab licensed under this chapter shall pay an annual fee as set out in § 175-4 of Chapter 175, Fees, of the Village Code. Fees shall be set to cover the administrative and enforcement costs associated with implementing this code.

B. Replacement of a taxicab, transfer of taxicab license and reregistration of a taxicab shall be subject to the fees set out in § 175-4 of Chapter 175, Fees, of the Village Code.

§ 295-18 Suspension or revocation of taxicab license. [Superceded by Section 295-10]

~~Taxicab licenses may be revoked or suspended at any time for cause after a hearing by the Taxi Commission under the procedure set out in this chapter.~~

§ 295-19 Complaints.

Any person wishing to register a complaint regarding taxicab service may do so by obtaining a complaint form by calling the office of the Village Clerk who shall be empowered to investigate same and take such action as may be deemed appropriate,

either on his or her own or by referral to the Taxi Commission, as the case may be based on procedures established to implement Section 295-10.

§ 295-20 License of company dispatching.

A. It shall be unlawful for any company dispatching to solicit or receive requests for taxi service without having first obtained a taxi dispatching license from the Clerk.

B. Applications for such license shall be made to the Village Clerk on forms provided by the Village Clerk.

(1) Such application shall include:

(a) The name, address and age, if applicable, of the applicant.

(b) If the applicant is other than an individual person, the name and place of business of the firm, partnership, corporation or other entity together with the name, address and social security number of all owners, partners, managers, members of the boards of directors and holders of 10% or more of the outstanding stock or indebtedness of such entity.

~~(c) The actual or estimated number of licensed operators for which the applicant proposes to solicit or receive requests for taxi service and the names and addresses of such operators, if available.~~

(d) The address of the location from which the company intends to operate ~~applicant proposes to solicit or receive such requests for purposes of official correspondence and communication with the Clerk.~~

(e) A statement of whether the applicant has ever been licensed under any provision of this chapter or any similar law of any jurisdiction and whether such license has ever been rescinded or revoked and, if so, for what cause.

(f) A statement of what type of communication will be used to dispatch taxis from the dispatch service ~~whether the applicant will employ any radio signal device in connection with relaying requests for service to the taxicab operator; if so, he or she shall state the type of device or signal and frequencies.~~

~~(g) A current certificate of insurance shall be provided in no less than the minimum amounts set out in the New York State Insurance Law.~~

~~(h) (h)~~ Place and date of any felony and misdemeanor convictions of all persons above named in § 295-20B(1)(a) and (b).

~~(g) (i)~~ Such other information as the ~~Clerk~~ Taxi Commission may require.

(2) Such application shall be sworn to before a notary public and filed with the Clerk as a permanent record.

(3) ~~False statement.~~

~~(a) Each application shall contain the following statement: "It is a crime punishable as a Class A misdemeanor to knowingly make a false statement herein."~~

~~(b)~~ Any false statements by the applicant for a company dispatch license shall be promptly reported to the Village Attorney and may be grounds for denying, revoking, or suspending a dispatching license. The Clerk is hereby authorized to require such additional information as may be deemed necessary.

C. License approval.

(1) Upon approval by the Board of Trustees, the Village Clerk shall issue a license to the applicant. Such approval shall be given or denied within 30 days of submission of the application to the Village Clerk. Upon disapproval of any applicant, the Village Clerk shall notify the applicant in writing of the reasons for such disapproval.

(2) No license shall be issued if the applicant or any of the persons set out in § 295-20B(1)(a) and (b) have been convicted of a felony.

D. All licenses shall expire on March 31 of each year. For the annual fee, see Chapter 175, Fees, § 175-4, for the company's license fee. Licenses shall be renewed after a performance review by the Taxi Commission that may include benchmarks such as response times, effectiveness at resolving customer complaints, adequate record keeping, etc.

~~E. It appearing that there are insufficient places to put taxi stands to provide parking in the core areas of the Village, including the train station area, and that, as a result, there are arguments and disturbances and the streets are congested by the dispatching of taxicabs and the pickup and dropoff of passengers and that the number of taxi companies bears a direct relationship to the amount of congestion and to the disturbances that arise; it appearing, in addition, that the pressure for more and more drivers as more companies are created results in danger to the public health, welfare and the good relationships necessary to living in a densely populated community, for these reasons the following limitations are set:~~

~~(1) The number of companies which may be licensed under this section at any one time is four.~~

~~(2) Any change in ownership must be completed in accordance with this chapter.~~

~~(3) Failure to renew such license within 30 days of expiration shall be deemed an abandonment. (4) Any person who may be aggrieved by any action taken under the provisions of § 295-20E shall have the right to a hearing before the Board not later than 60 days after the effective date of the action or matter complained of.~~

F. Each company licensed under this chapter shall keep a complete, accurate and legible record, on forms provided by the Clerk's office, of each call on a daily log sheet which shall be exhibited upon request to any police officer of the Village of Port Chester and the Village Clerk or his designee. These records must be kept on file and available for inspection for a period of not less than three years.

§ 295-21 Register of licensed taxicabs.

The Clerk shall keep a register of and furnish to the Police Department the name of each person owning or operating a taxicab licensed under this chapter, together with the

license number and the description and make of such vehicle, with the date and complete record of inspections made of it.

§ 295-22 Taxicab stands.

A. The Board shall locate and designate taxicab stands and designate the number of taxicabs allowed to stand thereat and shall provide a metal sign which shall be attached to a post or stanchion adjacent to such stand, on which sign shall be placed the number of vehicles allowed at the particular stand. Property owners may apply to the Board for the establishment of taxicab stands adjacent to their premises, stating in such application the number of taxicabs. Such application shall be granted solely in the discretion of the Board and may be revoked by it at any time. There shall be delivered to such property owner a metal sign to be affixed to the stanchion on the curb or other conspicuous place, setting forth the number of taxicabs permitted at such stand. An operator shall not leave his or her taxicab unattended at an official taxicab stand.

B. Owners of taxicabs requesting taxicab stands must furnish the Board with the written consent of the property owner adjacent to the proposed stand, and a public hearing may be held to determine the necessity for same.

C. The Taxi Commission shall review the number and placement of taxicab stands annually and make recommendations to the Board for increasing, reducing, or modifying existing taxicab stands after considering:

(1) Demand for taxis at specific locations;

(2) Traffic impacts at specific locations;

(3) Ability to physically accommodate a sufficient number of taxis to meet demand;

(4) Requests and recommendations from business owners, property owners, the traveling public, taxicab owners and operators, or dispatching companies.

§ 295-23 Regulation of taxicabs at stands.

A. Only such number of taxicabs as specified and designated in the Vehicle and Traffic Code of the Village may remain at the stand while waiting for employment, and only in single file, pointed in accordance with the traffic regulations.

Editor's Note: See § 319-84.

As the taxicabs leave the line with passengers, those behind shall move up, and any taxicab seeking a space on the stand shall approach the same only from the rear of the stand and shall stop as near as possible to the last taxicab at the stand.

B. It shall be unlawful for any operator of a taxicab, while driving such vehicle, to cruise, loiter or stop on a public street for the purpose of soliciting passengers or seeking a place in a taxi stand which is already occupied. It shall be lawful, however, for such

vehicle, while proceeding to a regularly assigned taxi stand, established call station or to the carrier's place of business, to accept employment when hailed from the street or curb, provided that it shall be unlawful for such operator to accept passengers at any of the following places:

- (1) In any marked or unmarked crosswalk.
- (2) At any place in the street except alongside a curb.
- (3) Alongside any curb opposite a regularly established and marked traffic safety zone or any area prohibited by the Vehicle and Traffic Law of the Village or State of New York and this chapter.

§ 295-24 Fares.

[Amended 11-3-2003 by L.L. No. 10-2003

Editor's Note: This local law stated that it would take effect 12-1-2003.]

The rates of fares to be taken by or paid to the owners or drivers of public conveyances within the village shall be as follows:

A. For conveying one passenger: \$4. The rate of \$1.25 shall be charged for each additional passenger.

[Amended 11-7-2005 by L.L. No. 6-2005]

B. Children.

~~(1) Ages five to 12 years.~~

~~(a) For the conveyance of children between the ages of five and 12 years, the following charges shall apply:~~

~~[1] When a child is attended by an adult paying full fare, each child shall be charged 1/2 of the full fare.~~

~~[2] When a child is unattended, full fare for the first party will be charged. Each additional child will pay 1/2 of the full fare.~~

~~(b) The above is based on a per-stop basis.~~

~~(2) Under five years.~~ All children under the age of five must be attended, and there will be no charge for said children.

[Amended 12-1-2003 by L.L. No. 15-2003]

~~C. Senior citizens. Fees are \$2 for all senior citizens who show a senior citizen identification card. Senior citizens who travel from the Village to the contiguous area of the Town of Rye for the purpose of medical needs, shopping needs or visiting the senior center shall be charged the same rate.~~

~~C. D.~~ No charge shall be made for a passenger's suitcase, traveling bag, valise, shopping bags or other articles carried by hand by a passenger into vehicle or place in the trunk of the taxicab.

~~D. E.~~ After a cab has been engaged, additional passengers may not be taken except with the mutual consent of the passenger occupying the cab and the passenger entering the cab.

F. The operator of a taxicab transporting a passenger or passengers from a point within the village limits shall charge the fares as set forth above from the point of origin to the village limits and may charge such additional fares as the operator and the passenger may agree upon for the ride beyond the village limits. This agreement shall be made prior to departure and will be final.

§ 295-25 Prepayment; refusal to pay fee.

A. Every operator of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no operator of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the Village, unless previously engaged or unable to do so.

B. It shall be unlawful for any person to refuse to pay the authorized fare of any of the vehicles mentioned in this chapter after having employed same, and it shall be unlawful for any person to hire any vehicle herein defined with the intent to defraud the person from whom it is hired or engaged of the value of such service.

§ 295-26 Receipts; trip sheet.

A. Whenever a passenger demands a receipt for a payment of his or her fare, it shall be given to him or her by the operator. Such receipt shall show the name of the operator, the name of the owner of the taxicab, the number of the taxicab, the time when the trip began and ended and the amount of fare collected.

B. Operators shall keep a complete, legible and accurate record of each trip upon a daily trip sheet, the form of which shall be approved by the Clerk, showing the time and place of origin and destination of the trip, the number of passengers carried and the amount of fare collected. This record shall be kept in the vehicle and exhibited upon request to any police officer of the Village of Port Chester. When the operator goes off duty, this record shall promptly be filed with the dispatch company with whom he or she is affiliated, and such record shall be kept on file, and available for inspection, by the Clerk for a period of not less than three years.

§ 295-27 Overcharge and undercharge.

No person shall charge or attempt to charge any passenger a greater or lower rate of fare than that prescribed by this chapter. The only exception shall be for senior citizens and children as prescribed in this chapter.

§ 295-28 Soliciting.

A. No taxi operator while awaiting employment by passengers shall stand on any public street or place, including a space designated for the parking or loading of vehicles, other than at or upon a taxicab stand, designated or established in accordance with this chapter. No person except a passenger shall be allowed to ride on the front seat of the taxicab with the operator.

B. No taxi operator shall use the horn or other audible device in his or her vehicle to hail or to gain the attention of a fare.

§ 295-29 Articles found in taxicabs.

Every operator of a taxicab, immediately after the completion of the fare, shall carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, shall be taken to the nearest police station and deposited with the officer in charge within one hour after the finding thereof

§ 295-30 Penalties for offenses.

A. Any owner or operator of a taxicab not licensed or equipped in accordance with the provisions of this chapter, or of a taxicab the license of which has been suspended or revoked, who engages in the taxicab business as defined herein or attempts to engage in such business or solicits passengers for hire shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$250 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

B. Any person not having been duly licensed as a taxicab operator or any person whose license as such operator has been revoked or any person whose license has been suspended and who, during the term of nonlicense, revocation or suspension, operates for hire a taxicab upon the streets of the Village shall be guilty of a violation and, upon conviction, shall be punished by a fine not exceeding \$250 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

C. Upon conviction of any person for any violation of a provision of this chapter for which no punishment is specifically provided, the violation shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

D. In addition to the fine or imprisonment, or both, authorized by this chapter, any licensee shall be subject to the suspension or revocation of his or her license, upon conviction, for any violation of this chapter. The Clerk may, in his/her discretion,

suspend or revoke a license granted under this chapter pending or in advance of the criminal prosecution of the licensee.

§ 295-31 Fingerprinting.

Any applicant or individual as required to be disclosed in this chapter making application for an original or renewal of a taxi operator's license or a taxicab license or a dispatch company license shall have a fingerprint impression of the fingers and thumbs on both hands taken by the Police Department of the Village. The Police Department is authorized to forward the said fingerprints to the Clerk's, who will then submit the fingerprints to the New York State Division of Criminal Justice Services for a criminal convictions investigation prior to the issuance of said license. The Clerk ~~Police Department~~ shall secure from the applicant the required fee for said investigation in the form of a check or money order made payable to the New York State Division of Criminal Justice Services and shall forward said payment together with the fingerprints to the said agency. The information secured as a result of said investigation shall be reviewed by a the Clerk with the advice and counsel of a member of the Police Department designated by the Chief of Police ~~who shall thereafter make his or her report to the Clerk through the Chief~~. The Clerk shall not issue a license to any applicant where he or she or an individual required to be disclosed in this chapter has been convicted of a felony or Class A misdemeanor unless said disability has been removed or waived as provided for in Correction Law § 751.

§ 295-32 Enforcement.

In order to provide for better enforcement of this chapter, the Chief of Police shall be instructed to order the entire police force to assist in the enforcement thereof at all times. A running record of convictions of this chapter in addition to moving violations as evidenced by summonses or arrests should be kept up-to-date by the Justice Court and be made available for use by the Taxi Commission and Clerk during suspension and revocation hearings.

§ 295-33 Dress code; street map; passenger limit; bill of rights.

A. There will be a dress code for taxi operators as follows:

- (1) Men: full-length trousers, short- or long-sleeve shirts with collars or button-down shirts, and shoes or sneakers.
- (2) Women: slacks or skirts with long- or short-sleeve blouses or pullover tops, and shoes or sneakers.

B. All taxicabs must carry a Village of Port Chester street map at all times.

C. Under no circumstances should there be more than four passengers in a taxicab.

D. All taxicabs must display, where it can be readily seen by the riding public, and in a format approved by the Village Clerk, a copy of the following Taxi User's Bill of Rights, the violation of which may result in the suspension or revocation of a taxi operator's license of penalty or fine as provided in this chapter.

(1) Taxi User's Bill of Rights. Passengers and prospective users of taxis in the Village are entitled to:

(a) ~~A passenger has the exclusive use of any taxicab retained for an agreed upon fare, and no taxicab operator shall require a passenger to accept any other passengers without his or her consent.~~

(b) Their choice of ~~A passenger can choose any taxicab in line at a taxi stand.~~

(c) ~~If group is starting at one location and going to the same destination, one passenger pays full, the others pay \$1 each. (Note: applies only to trips within Village limits.)~~

(d) Taxi operators may not solicit or refuse an orderly fare.

(e) ~~Taxi operators must produce~~ Inspect taxi operator identification operator license, and vehicle license on request.

(f) Taxi operators may not smoke in the taxicab.

(g) Taxi operators shall make every attempt to ensure that passengers arrive at their destination in a timely manner. Passengers should be available upon the arrival of a taxi dispatched to them. No operator is obliged to wait for a fare.

(2) All violations may be reported to the Port Chester Police Department (914) 939-1000 or the Village Clerk's office (914) 939-5202.