

## **London Taxi Association**

London Ontario Canada

May 19, 2012

### **LTA's Response to City Staff's Analysis of LTA's proposed bylaw** *LTA's Proposed Replacement Bylaw – Submitted in September 27, 2011*

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Over the past few years, a long and painful process to revamp the current Taxi and Limousine bylaw has been in progress.

As of today, the current bylaw continues to be in force until July 1, 2012 when it is replaced by the replacement bylaw already prepared and passed by city council.

#### History:

##### July 2011:

In July 2011, the newly proposed Taxi/Limousine bylaw (the first of two) crafted by city hall staff was brought forward to committee by Orest Katolyk. Upon close inspection by the London Taxi Association (LTA), many errors and inconsistencies of various types were discovered and it was clear it that it should not have been put forward.

##### September 27, 2011:

In response, the LTA analyzed it with a great and delicate precision, and created their own cleaned-up version of a complete equivalent bylaw replacement. This was submitted to the same committee on September 27, 2011. This is 'LTA's Proposed Replacement Bylaw'.

##### November 29, 2011: Public Participation Meeting:

It was discovered at the Public Participation Meeting (PPM) on November 29, 2011, that staff reviewed LTA's proposed bylaw and wrote a reply as part of that meeting's agenda package. Staff responded<sup>1</sup> and commented with their analysis of many items written in seven paragraphs.

Staff's response was recently analyzed by the LTA and the result is that city hall staff fully erred in their analysis, which is superficial at best.

LTA's comprehensive detailed adjudication of city staff's analysis follows...

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1 City hall staff's response is on page 63 of Agenda Item # 6(a) from Community and Neighbourhoods Committee public participation meeting November 29, 2011 7:00 pm. Refer to the 'Links' page at the end of this document for more info.

## LTA's Response to City Staff's Analysis of LTA's proposed bylaw

RE: Staff's Response (Nov. 29, 2011) to the London Taxi Association Submission (Sept. 27, 2011)

City hall staff's analysis of the London Taxi Association's bylaw submission<sup>2</sup> on September 27, 2011. City staff response is detailed in paragraphs 2 through 7 located on page 63 of Agenda Item 6(a) in the November 29, 2011 CNC Public Participation Meeting. All responses by city hall are in error or incorrectly analyzed.

In paragraph 2, city staff wrote:

**In the main section of the by-law, the LTA proposes to eliminate a number of definitions including cab drivers, cab owner, cab meter, cab priority list, cab stand, limousine stand, tariff card. Their proposed by-law also removes prohibitions of operating a cab without a plate or under suspension, time limits for licences, revocations for demerit points, and reference to reporting accidents. The LTA also added a new section on transferring Class A Licences and deleted reference to the no transferability clauses of Class B Licences.**

LTA's Response to Paragraph 2 Sentence 1:

The definitions for cab driver, cab owner, cab meter, cab priority list, and cab stand were NOT eliminated. They were renamed to their correct formal industry-standard definitions.

The definition for 'Tariff Card' was NOT eliminated. It is very clearly defined in LTA's proposed bylaw: PART 1- Definitions: item (ddd).

The definition for 'Limousine Stand' was eliminated. Here are the reasons:

LTA's Reasons:

1. The proposed (and current) bylaw is in error to use the word 'CAB' when defining that which is not a limousine. This error has existed for dozens of years and it needs to be fixed immediately. Here are many reasons why:
2. The proposed (and current and previous) bylaw is titled 'Taxicab & Limousine Licensing By-law'. The use of the word 'Taxicab' in the title is correct, yet is undefined within the body. The definition and use of the word CAB within the body of the bylaw is inappropriate and incorrect..
3. Merriam Webster's definition for 'Taxicab'<sup>3</sup> is: : an automobile that carries passengers for a fare usually determined by the distance traveled. It is very specific and it is exact.

<sup>2</sup> [http://www.londontaxiassociation.ca/documents/LTA\\_New\\_Proposed\\_Bylaw\\_1.pdf](http://www.londontaxiassociation.ca/documents/LTA_New_Proposed_Bylaw_1.pdf)

<sup>3</sup> <http://www.merriam-webster.com/dictionary/taxicab> Accessed May 17, 2012

4. Merriam Webster's definition for 'Cab'<sup>4</sup> is in four parts: the second is a redirect to 'Taxicab'. 'Cab' is a short form slang for Taxicab. The origin of the term of 'Cab' is 'Cabriolet' which is an enclosed carriage usually a carriage for hire. Technically, a 'Limousine' is also a 'Cab' because a limousine is enclosed and for hire.
5. Merriam Webster's definition for 'Limousine'<sup>5</sup> is in two parts: : (1) a large luxurious often chauffeur-driven sedan that usually has a glass partition separating the driver's seat from the passenger compartment; and (2) a large vehicle for transporting passengers to and from an airport.
6. It is imperative the law correctly states and defines correct and formal definitions for items in the body of the law. Therefore: cab driver is a taxicab driver, cab owner is a taxicab owner.
7. Regarding the term 'Cab Meter': this term is not used in the industry. All manufacturers use the term 'Taxicab Meter' and more often reduced to 'Taxi Meter'. The important thing to note is the word 'Taxi' is always used and not necessarily the word 'Cab' because the term 'Cab Meter' is wrong. Many meters used in London are Record's Taximeter. The on-screen equivalent at Aboutown is a 'Taxi Meter'. Other world-wide manufacturers make and sell 'Taxi' meters. Oddly, the current bylaw, Schedule A, uses the term 'Taxicab Meter' correctly, albeit without definition.
8. Regarding the deleted term 'Limousine Stand': The LTA takes a firm position that Limousines must not have 'Stands' in London. The correct term 'Taxi Stand', and not the incorrect term 'Cab Stand', is where a vehicle can wait for passengers to enter without reservation. This is classic hailing a taxicab. Hailing is a 'No Reservation' concept. Most picture hailing a taxi as someone standing at the side of the street with their hand in the air. This is also true. These concepts are an industry standard for Taxicabs, but is unnatural for Limousines because Limousines world-wide provide a service where the customer must call ahead, even if it is for an immediate dispatch. 'Limousine Stands' are a non-sequitor and illogical, and are completely inconsistent with the industry world-wide. It is time to correct this inconsistency.
9. Thus, the use of the word 'Taxi' is a world-wide industry standard and is a reduction from 'Taxicab', another world-wide standard. Neither term is connected in anyway with 'Limousine'. In the bylaw effective July 1, 2012, the conversions presented November 29, 2011 from 'Taxi's to 'Cab's made the terms (using 'cab') inconsistent with what the industry uses and what customers around the world use. It is time to correct the definition errors.
10. As for the city-issued 'Cab/Limousine Driver Licence', it is incorrect and inconsistent with the bylaw. The large title words used 'Cab/Limousine' need to be changed to 'Taxicab/Limousine'. If you look on the reverse of the licence: the second word is 'Taxicab' driver. Thus, the text on the reverse of the licence applies only to a taxicab driver which is NOT defined in the bylaw. It cannot apply to limousine drivers because of the sole use of 'Taxicab Driver'. It is time to

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4 <http://www.merriam-webster.com/dictionary/cab> Accessed May 17, 2012

5 <http://www.merriam-webster.com/dictionary/limousine> Accessed May 17, 2012

correct the definition errors. What is on the reverse of a Group Transportation Driver licence?

LTA's Response to Paragraph 2 Sentence 2:

**In the main section of the by-law, the LTA proposes to eliminate a number of definitions including cab drivers, cab owner, cab meter, cab priority list, cab stand, limousine stand, tariff card. Their proposed by-law also removes prohibitions of operating a cab without a plate or under suspension, time limits for licences, revocations for demerit points, and reference to reporting accidents. The LTA also added a new section on transferring Class A Licences and deleted reference to the no transferability clauses of Class B Licences.**

The city's claim that LTA removed prohibitions of operating a cab without a plate or under suspension, time limits for licences, revocation for demerit points, and a reference to reporting accidents is in error.

LTA's bylaw lists all the said items in Schedule C 2.1 (a), Schedule H 2.1 (f).

With respect to the phrase 'under suspension', LTA's bylaw has the exact same reference in the main body Part 2 – Prohibitions 2.1(c). It was not deleted.

LTA's Response to Paragraph 2 Sentence 3:

**In the main section of the by-law, the LTA proposes to eliminate a number of definitions including cab drivers, cab owner, cab meter, cab priority list, cab stand, limousine stand, tariff card. Their proposed by-law also removes prohibitions of operating a cab without a plate or under suspension, time limits for licences, revocations for demerit points, and reference to reporting accidents. The LTA also added a new section on transferring Class A Licences and deleted reference to the no transferability clauses of Class B Licences.**

With respect to the deleted reference to non-transferability for Class B licences: in the main section, PART 9.2 clearly describes class B non-transferability. It was not deleted.

One purpose of the bylaw is to protect the industry where many potential customers come from outside London. They know about taxis and limousines because the world is normal and they get confused when visiting London. Proper nomenclature to correctly define and describe what a taxi and limousine is is important.

In paragraph 3, city staff wrote:

**With respect to Schedule "A" Driver Licence, the LTA has deleted the requirement for a sensitivity course for accessible cab drivers licences. Administration does not concur with this deletion.**

LTA's Response to Paragraph 3:

LTA did not delete this requirement for accessible taxicab drivers. Schedule D is solely for accessible

taxicab drivers and Section 1.3 in Schedule D directly addresses the sensitivity requirements.

In paragraph 4, city staff wrote:

**For Schedule "B" Driver Duties, the LTA deleted reference to the sample trip sheet form, fare amounts and odometer readings on trip sheets, turning off the radio upon request, keeping meter engaged throughout the trip, providing receipts and process of entering cab stands. All references to Accessible Cabs has been removed. Administration does not agree with the deletions as they do not support the three main guiding principles of enhancing customer service. Administration is particularly concerned about the deletion of references to meters and this could cause potential for abuse of customer fares.**

LTA's Response to Paragraph 4:

There are no deleted references for the following:

- Keeping a trip sheet, recording the fare, odometer are listed in Schedule B Section 1.1 (d).
- Keeping the meter engaged throughout the trip is listed in Schedule D Section 2.2 (a).
- Providing a receipt is listed in Schedule B Section 1.1 (r).
- The process of enter a taxi stand is listed in Schedule D Section 2.2 (d).
- All references to Accessible Taxicabs in Schedule B are not in Schedule B because Schedule B is the common schedule for any and all Drivers irrespective of vehicle type driven. Schedule D is specific for Taxicab Driver and Accessible Taxicab Driver.

The only deleted reference was to the sample trip sheet form:

- The sample form created by city hall is set on 8½ inches by 11 inches paper. This size of paper is unwieldy in a taxi and will get ripped, torn, wrinkled, folded, and is generally unmanageable.
- The sample form is one-sided and wastes the other side.
- The people who design it need to be the people who use it. The sample form suggested by city hall is a clear and visible example how city hall does things in a vacuum that impacts many people without consultation – it hurts and is offensive. The design must be promulgated essentially by the users who need convenience of size and usability for day-to-day use in a vehicle. 8½ x 11 is completely difficult in a vehicle.
- A smart line of reasoning is to design a small spiral bound booklet that is amiable to regular everyday use and each book can hold many weeks or many months of trips. The sanctioned book can be bound at (for example) Kinko's and resold for a small increase at the counter at city hall. City hall already resells 911 stickers and Tariff Cards, so it is entirely reasonable to make your service complete for the industry. The LTA is not against this.

The reference to turning off the radio upon request was deleted. It needs to be placed in a new Schedule detailing the customer's (bill of) rights. One general item afforded to a customer to request a comfortable ride of their personal preference including such items as air conditioning, no radio, loud radio, or a gentle slow ride. The current and new bylaw only has the responsibility of the driver to turn off the radio if requested but doesn't have to turn on the air condition or roll up the windows if requested. The correct method is to place the phrase, '...the customer has the right to a comfortable ride

...' in the Schedule for customer's (bill of) rights. Finally, a Driver's Responsibility is to not deny ALL their customer the rights as afforded by the customer's (bill of) rights.

In paragraph 5, city staff wrote:

**For Schedule "C" Drivers Prohibitions, the LTA has removed reference to operating an accessible cab whose owner is not licenced, operating a cab without a proper cab meter, overcrowding a cab stand, using a limousine stand causing or permitting illegal or immoral acts in cabs and limiting shifts to 12 hours. Administration does not agree with these changes as they do not support the goals of enhancing customer service.**

LTA's Response to Paragraph 5:

References to all except two items are in Schedule D Section 3.1. They were not removed.

References to permitting illegal or immoral acts were removed. Here are the reasons:

1. First and foremost, any illegal acts committed are already illegal because they ARE illegal. The illegality of the acts are not made illegal by the enactment of this bylaw – especially when what is illegal is undefined. How can this bylaw enforce the committing of any illegal act deemed illegal by another higher law. That law that superceeds this one which actually defines what illegal acts are makes this one impotent. If a driver wants to commit an illegal act in the vehicle, under which authority will there be punishment. Certainly not the local bylaw. If a passenger wants to commit an illegal act in the vehicle, then how can the driver be at fault. If a passenger wishes to rob the driver, do we believe the illegal act of the passenger against driver was permitted or caused by the driver even if the passengers swears under oath the driver permitted it. Imagine if a passenger enters a taxicab and a wad of money and a gun, and the driver suspects a robbery has just occurred, should the driver demand the supposed thief out of the taxicab for fear of driving and being an accomplice for a get-a-way? In this case, the driver permitted an illegal act – which is aiding in a robbery. In Canada, we are innocent until proven guilty and this part written by city hall is technically the reverse.
2. With respect to immoral acts, what is an immoral act? By whose standard? There are no definitions what an immoral act is in the bylaw. If two passengers are in the vehicle and they 'touch' each other, are they amorous or is an assault in progress? No crime is committed UNTIL IT IS COMMITTED and not one moment sooner. Thus, it is impossible for a driver to prevent an immoral act nor is it reasonable to allow or deny permission for something immoral (or illegal) which has not yet occurred. A driver cannot judge what an immoral act is by a standard undefined. Nor can it be prevented until such has already occurred. Perhaps the passenger will ask the driver if it is permissible to commit an immoral act. In this case, why must the driver placed in a position of authority to deny (or grant) permission. This whole topic is obscene and illogical. People have free will and the driver is not their guardian.

References to limiting shifts to 12 hours was removed for several reasons:

1. It occurs often that a driver drives on duty for more than 12 consecutive hours. This may happen on a sole-vehicle operator to take advantage of a full Friday and Saturday night starting

at 4 pm and continuing to 6 am to make driving profitable. Such shifts include some time off duty for a break, but overall the hours on duty exceed 12 hours in a 24 hours period. This limitation is fairly arbitrary. Consultation with the industry of this limitation is warranted.

2. The LTA suggests the following wording as a rework for this section:

(Prohibited to) Operate a City Plated Vehicle in excess of 14 on-duty hours within any 24 hour period. A minimum of 6 hours off-duty must be maintained between such on-duty periods.

The wording provided by city hall is illogical. It says, “(prohibited to) Operate a Cab or Accessible Cab when the Driver has been on duty for more than 12 hours within a 24 hour period without first taking 8 consecutive hours off duty.” Technically, this means IF you first do take 8 consecutive hours off, then you can be on duty more than 12 hours. The wording is incorrect and inconsistent, although simplistically and colloquially it may appear correct.

In paragraph 6, city staff wrote:

**Schedule “D” includes revised regulations for taxicab and accessible taxicab drivers. A new Schedule “E” is added which addresses Limousine Drivers. This schedule is very short and only lists prohibitions of accepting street fares, using taxi stands and hailing. New schedules are included which include duties and prohibitions for all forms of vehicles for hire and their drivers.**

LTA's Response to Paragraph 6:

Yes, Schedule E is short. It includes the inclusion of three other schedules.

In Section 1, it does say Schedule A sets out regulations for applications and renewals. In fact, Schedule A applies to all, therefore it was pulled out to form a common Schedule for all.

In Section 2, it does say Schedule B sets out basic regulations for a Limousine Driver. In fact, Schedule B defines basic driver duties which applies to all, therefore it was pulled out to form a common Schedule for all.

In Section 3, it does say Schedule C sets out basic prohibitions for a Limousine Driver. In fact, Schedule C defines basic driver prohibitions which applies to all, therefore it was pulled out to form a common Schedule for all.

The reason LTA's bylaw pulled out common Schedules was so that the exact same common elements applied to all classes of drivers. Specific differences are in the specific applicable Schedules for each driver class individually.

In paragraph 7, city staff wrote:

The changes proposed by LTA are substantive and would greatly impact on the administration and enforcement of the by-law. The deletion of definitions of cab meter would negate the administration and enforcement of uniform cab fares. Removal of the cab priority list definition would cause issues in the administration of issuance of new licences. The removal of the cab stand definition causes confusion on where a vehicle for hire could park. The same issue pertains to the deletion of the limousine stand definition. The removal of the prohibition of operating a taxi without an owner plate or operating a taxi while a licence is under suspension could create a roadblock in addressing bandit cabs.

LTA's Response to Paragraph 6:

The definition of 'cab meter' was changed to the industry standard definition of 'Taxicab Meter' which is shown in Part 1 Definition item (iii)<sup>6</sup>.

The definition of 'cab priority list' was changed to use the correct word Taxicab: 'Taxicab Priority List' which is shown in Part 1 Definition item (jjj).

The definition of 'cab stand' was changed to use the correct industry standard taxi 'Taxi Stand' which is shown in Part 1 Definitions item (kkk). One very important reason why the term 'cab stand' is incorrect is because every single curbside sign installed in London which designates a place set aside for Taxicabs to park says 'TAXI STAND'. The term 'Cab Stand' is incorrect. The LTA is against city hall changing all the signs in London to the incorrect term 'Cab Stand' - and at significant cost too. When those signs were installed, the correct term was used, even though city hall never caught their mistake at that time when written into the bylaw.

The definition of 'Limousine Stand' was removed. It is detailed above in LTA's response to paragraph 2. To review, a Limousine Stand is an illogical idea since it is an industry standard around the world for Limousines to not take hails off the street. The practice is forbidden in law in those jurisdictions too. The practice for Limousines in London must cease to continue for both the taxi and limousine industry to thrive properly as the industry model is designed to do. The best contemporary explanation why this is true comes from the limousine<sup>7</sup> industry in London, UK. where it is illegal for minicabs to pick up hails off the street<sup>8</sup>.

There was no removal of (last sentence) '... removal of the prohibition of operation a taxi without an owner plate or operating a taxi while a licence is under suspension...' Please note that city hall's comment uses the word 'taxi' and not 'cab'. It listed in the the main body 'Part 2 – Prohibitions' item 2.1(b) and 2.1(c).

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6 Part 1 Definition (iii) is listed one position out-of-order alphabetically in the Definitions section.

7 In London, UK., Limousines are referred to as 'Minicabs'. Note that the term 'cab' may be used as a definition of a Limousine-type vehicle, which is correct. However, the term 'cab' as it is used in the current (and upcoming) London Ontario bylaw to describe solely a taxi is not correct. London UK has it correct and London Ontario does not.

8 A snapshot of the London UK webpage is located on the LTA's website document repository:  
[http://www.londontaxiassociation.ca/documents/London\\_UK\\_Taxi\\_Webpage.pdf](http://www.londontaxiassociation.ca/documents/London_UK_Taxi_Webpage.pdf)

Summary:

City hall's analysis of LTA's replacement bylaw was completely in error. A thorough reading and analysis did not occur nor did they ask LTA to provide any explanation on it's structure or content. The LTA does not understand how an important document like a Taxi and Limousine bylaw which directly impacts thousands of Londoner's daily income cannot be properly constructed and analyzed.

City hall's analysis addressed 42 items:

- 37 of the 42 items addressed were said to be deleted when they were not.
- 3 items were deleted for rework: Trip sheet, 12 shift, turn off radio if asked
- 2 items were deleted permanently: Limousine stand, Illegal or immoral acts

City hall has failed the industry. The bylaw's function is to not just to protect the traveling public, but must include protection for the daily workers in the industry, the sustainability of the industry, and a consistent and high-integrity bylaw fully tuned to the industry. These facts were completely overlooked by city hall staff and the elected members.

City hall must stop treating the taxi industry in London with a general level of contempt.

Forgotten is that they (city hall staff and elected officials) are our servants.

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## **Links to Relevant Documents**

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November 29, 2011 Public Participation Meeting:

<http://www.london.ca/d.aspx?s=/meetings/Archives/Agendas/Community%20and%20Neighbourhoods/CNC%20Agendas%202011/2011-11-29%20Agenda/Archives.htm>

LTA's Proposed Taxi and Limousine Replacement Bylaw:

[http://www.londontaxiassociation.ca/documents/LTA New Proposed Bylaw 1.pdf](http://www.londontaxiassociation.ca/documents/LTA%20New%20Proposed%20Bylaw%201.pdf)

Many documents referred to herein are listed on LTA's website document repository:

<http://www.londontaxiassociation.ca/documents/>

City of London Ontario website:

<http://www.london.ca>

This document is on the London Taxi Association's website:

[http://www.londontaxiassociation.ca/documents/Major Review1 May192012.pdf](http://www.londontaxiassociation.ca/documents/Major%20Review1%20May192012.pdf)