



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** February 18, 2014

**To:** Honorable Mayor & City Council

**From:** Chad Lynn, Director of Parking Operations  
Genevieve Row, Audit and Permit Administrator

**Subject:** Review of the proposed Taxicab Franchise Request for Proposal and a draft of the preliminary changes recommended to the Beverly Hills Municipal Code

**Attachments:**

1. Draft Request for Proposal
2. Proposed Changes to Beverly Hills Municipal Code (BHMC)

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### INTRODUCTION

The City of Beverly Hills currently regulates taxi companies, vehicles and drivers delivering services to residents and visitors for trips originating within the City limits through the Beverly Hills Municipal Code (BHMC) through the issuance of Certificates of Public Convenience and Necessity. Presently this service is provided by three (3) certificate holders with a total of 148 currently permitted vehicles in the City as listed below:

COMPANY	TAXICABS PERMITTED
Beverly Hills Cab	60
Independent Taxi Owners Association (Independent Cab Co.)	60
United Independent Taxi Drivers (United Independent Taxi)	28

A conversion from the current Certificate program to a Franchise environment is being recommended and pursued in response to the Taxicab Service Study that examined the current performance and regulatory environment and survey responses from members of the community relating to the types of improvements they wished to encourage (customer service, "green" initiatives, driver appearance and conduct, etc.)

The conversion to a Franchise environment introduces competition into the process of regulating and selecting taxi service in an effort to attract new technologies, improve

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accountability, and protect the health, welfare and safety of the community. It is the goal of this program to ensure high standards of service are provided to the residents and visitors of our community, including the elderly and/or disabled, who may rely on such services as their primary source of transportation.

At the direction of the City Council the City's consultant, Nelson/Nygaard Consulting Associates Inc., in conjunction with City Staff and the City Attorney's office have prepared a draft Request for Proposal (RFP) for consideration by the City Council prior to release. A draft of the anticipated changes to the BHMC that may be necessary to complete the transition from the Certificate to the Franchise environment have also been included (Attachment 2)

Staff is anticipating release of this RFP by April 2014, receiving responses by May 2014 and providing recommendations to the City Council for award of franchise agreements by June 2014. An operational transition plan will be developed for the transition from the existing system of taxicab certificates to a taxicab franchise environment based on the prevailing proposals.

## **DISCUSSION**

The proposed RFP invites interested taxicab operators, including those not currently permitted in the City, to submit proposals for the operation of taxicab service originating in the City of Beverly Hills. The Consultant has recommended awarding three (3) non-exclusive franchises of not less than 25 taxicabs per franchisee with a total number of taxicabs no greater than 150 (the current level of service and availability); however, the City Council may award such franchises and number of taxicabs in any configuration in which it determines is in the best interest of the City.

The initial term of the agreement is recommended for a five (5) year period to allow for the amortization of the improvements and start-up costs associated with these services. It is further recommended that limited one (1) year term extensions be granted each year over a five (5) year period based on the franchisees' performance as determined in annual evaluations; the total term of a franchise agreement will not exceed a total of ten (10) years including the initial term and the associated extensions as granted. In addition to non-renewal of the franchise agreement, franchisees that do not meet the City's standards may be placed on probation, suspended, assessed penalties, and/or subject to a reduction of the number of permitted vehicles.

If at any time the City determines a need for additional taxicab service, based on the reduction of a franchise's right to operate taxicabs or due to an increase in demand, the City may increase the number of taxicabs the franchise holders may place into service, with preference given to those companies with the highest scores from the annual evaluations. The City may also award new franchises based on solicitation of additional proposals.

To be considered for award of a Franchise, the following minimum requirements will be considered:

- Completion of all required forms, including:
  - Proof of Financial Liability (Equity Funding, Debt Funding)
  - Proof of Identity (Articles of Incorporation, Board of Directors, Officers, Principal Stockholders)
- Ability to provide and maintain the minimum number of vehicles (25 recommended)
- Ability to meet all technical requirements, including:
  - 24-hour dispatch
  - digital service and request tracking
  - digital taxicab activity and location tracking
  - credit/debit card equipment and procedures
  - taxicard payment plan (senior citizen program)
- Ability to meet minimum accessibility requirements
- Ability to provide Green Vehicles as regionally defined (State of California and City of Los Angeles)
- Must maintain an existing servicing and storage facility within 20 miles of Beverly Hills City Hall

Proposals that meet the minimum qualifications will be evaluated on the content of their written proposals, a panel interview conducted by the City, and possible site visits as necessary.

For the selection process staff is proposing a panel be convened consisting of City Commissioners, City Staff, and/or staff from outside agencies. The selection criteria by which the written proposals and interviews will be assessed is proposed as follows:

15%	Experience, including in and/or around Beverly Hills, and quality of service
15%	Key Management Staff - Experience, Qualifications, Character
30%	Management Plan, Organizational Structure, Quality Assurance Plan, Customer Service Training Programs
15%	Infrastructure, Facilities and Equipment
10%	Financial Stability and Capacity to Meet Commitments
15%	Enhancements: Ex. 'Green' Vehicles, Payment/Order Options, Others
100%	TOTAL

Enhancements to be considered are those services which may not be required or may exceed the minimum required service level. For instance, providing smartphone applications for ordering and/or payment of services is not a required service, but is desirable and a benefit to the community.

As part of the original taxi study the City's consultant engaged in public outreach with the current taxi service providers, taxi service providers that have expressed interest in operating in Beverly Hills, the City's service provider for the Senior Citizen taxi coupon program, local resident groups and local hotels and businesses. Upon public release of this staff report, the City's consultant is scheduled to contact the current service providers and service providers that have expressed interest in providing service in Beverly Hills. Staff will be prepared to present any feedback that has been received and has informed these organizations of this Study Session agenda item.

#### REQUIRED CODE AMENDMENT

Prior to the award of a Franchise agreement, modifications to the City's Municipal Code will be required to both provide for a Franchise program and to create and enhance the ongoing requirements of the selected service providers. The details of the proposed changes are contained in Attachment 2. A summary of such changes include:

- Expiring existing certificates that are held by the current service providers
- Removal of the Certificate language and establishment of the Franchise requirement
- Evaluation for Franchise Performance and grounds for Suspension, Revocation, and related sanctions
- Additional language related to conformance with the Americans with Disabilities Act
- Establishing authority of the City to approve vehicle identity (color/markings) and numbering schemes
- Minimum requirements for the provision and functionality of technology
- Minimum requirements for the provision and functionality of payment methods
- Requirement for reapplication of a driver for a permit when moving from one taxi provider to another
- Update the maximum age of vehicles in service to reflect 'model year' instead of 'manufacture date' for a period of eight (8) years for standard vehicles and the allowance of ten (10) years of service for vehicles with substantial modifications related to disabled passenger accessibility

Service providers will continue to be required to conform to the rules and regulations promulgated by staff for the day-to-day operations of taxicab services.

Based on the anticipated timeline and implementation of a Franchise program, the current taxi operating permits will expire prior to the award and implementation of franchises. The City will need to continue with the current practice of taxi permit renewals in April of 2014. Concerns have been raised by the taxi service providers related to the language contained in Section 7-4-214(J) of the municipal code. This section currently establishes the maximum age of a vehicle in service as seven (7) years from the 'date of manufacture' for all vehicles in service, including vehicles adapted for wheelchair accessibility. The current industry and regional practice is to base the length of service on the 'model year' of the vehicle and not 'manufacture date.'

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Under current operations the service providers have met these current obligations without concern. However, recognizing that it is possible that current service providers may not be awarded a Franchise, owner/operators associated with the current certificate holders have expressed concern with obtaining newer vehicles for a shortened permitting and/or operating period, prior to the transition and implementation of franchises.

To more closely align the City's policies with industry and neighboring jurisdictions standards, and to mitigate the possible reduction of vehicles based on the concerns of the current service providers, staff will be bringing forward an ordinance for consideration by the City Council that will amend Section 7-4-214(J) of the BHMC. The proposed amendment would extend the age of standard vehicles to 8 model years, and for up to ten (10) model years for vehicles modified for wheelchair accessibility.

**RECOMMENDATION**

It is recommended the City Council direct staff to release the RFP, as-is or with any changes, conduct the selection process and return to the City Council with recommendations for the award of taxi service Franchises as described herein.



George Chavez

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Approved By

# **Attachment 1**



# City of Beverly Hills

## Taxicab Franchise Request for Proposals

### Preliminary Draft for Comment

#### A. INTRODUCTION

The City of Beverly Hills intends to replace its existing system of taxicab certificates with a taxicab franchise program. The City has determined that considerations of public safety and consumer protection require a degree of regulation of taxicab service attainable only through the issuance of non-exclusive franchises.

All certificates of public convenience and necessity for taxicab operations in the City of Beverly Hills will be phased out in favor of the taxicab franchise awards made pursuant to this RFP. Once the certificates have been terminated, existing certificate holders will not be authorized to operate taxicab service within the City unless they have been awarded a non-exclusive franchise by the City Council.

This RFP invites interested taxicab operators to submit proposals for the operation of taxicab service in the City. Non-exclusive franchises will be awarded based on the criteria set forth in this RFP. The City intends to award three (3) non-exclusive franchises, but reserves the right to award fewer or more than three if that is determined to be in the best interests of the City. No proposal will be accepted to operate fewer than 25 taxicabs.

Relevant provisions of the Beverly Hills Municipal Code (BHMC) and Draft Taxicab Rules are attached as Appendices \_\_ and \_\_ respectively. All taxicab operations under the franchises awarded as a result of the RFP will be required to comply with all of the relevant provisions of BHMC and the adopted rules, including changes that may be adopted from time to time. By submitting a proposal in response to this RFP, proposers are certifying that they are familiar with the relevant provisions of the BHMC and the requirements of the Draft Taxicab Rules and will comply the code and rules as they may be amended.

#### B. FRANCHISE AGREEMENTS

Operators that are awarded a non-exclusive franchise will be required to sign a Franchise Agreement, which will be adopted by the Beverly Hills City Council. A blank form of the Franchise Agreement is attached as Appendix \_\_. Proposers are responsible for being familiar with the requirements of the Franchise Agreement. By submitting a proposal in response to this RFP, proposers are certifying that they will sign a Franchise Agreement of this form if offered by the City, subject to: a) any exceptions noted by the proposer, which must be identified in \_\_\_\_\_; b) any additional features or enhancements offered by the proposer and accepted by the City; c) other changes that may be introduced during negotiations between the City and the selected franchisees.

## C. FEES

Each franchisee will be required to pay to the City an annual franchise fee. Payment of franchise fees in full will be due upon execution the franchise agreement and on each anniversary date thereafter.

Fee amounts will be adopted annually by City Council by resolution. While fee amounts have not yet been adopted for the initial franchise period, it is anticipated that the fee structure will be at least the following:

\$x,xxx plus \$xxx per vehicle plus \$xxx per driver

In the event a franchisee adds to its total number of vehicles or drivers during a franchise period, the added franchise fee per vehicle or driver will be due upon granting of the vehicle or driver permit, pro-rated on a monthly basis for the remaining portion of the franchise year.

Additional fees for vehicle or driver permit applications, transfers, fingerprinting, inspections, re-inspections, permit replacement, etc. will also apply.

## D. BACKGROUND

The City of Beverly Hills is located in west-central Los Angeles County, with a population of 34,622 in 5.7 square miles. It is bounded on three sides by the city of Los Angeles and on the east by the city of West Hollywood.

Taxicab service is currently provided by three holders of certificates of public convenience and necessity:

Company	Authorized Taxicabs
Beverly Hills Cab	60
Independent Taxi Owners Association ("Independent Cab Co.")	60
United Independent Taxi Drivers ("United Independent Taxi")	28

Currently Beverly Hills does not allow taxicabs permitted in Beverly Hills to operate in any other city except for West Hollywood; an exception is made for wheelchair accessible cabs, which can also be permitted in Los Angeles.

Taxicab fares are set by the City Council and are currently as follows:

- Drop Charge: Two dollars forty-five cents (\$2.45) for the first one-seventh (1/7) mile or 47.5 seconds, or fraction thereof
- Distance Charge: Thirty-five cents (\$0.35) for each additional one-seventh (1/7) mile, or fraction thereof (\$2.45 per mile)
- Waiting/Delay Charge: Thirty-five cents (\$0.35) for each 47.5 seconds waiting time and/or traffic delay, or fraction thereof (\$26.53 per hour)

While the City Council may elect to modify the fares at any time, proposers should assume that there will be no change in the immediate future.

## Beverly Hills Taxi Franchise RFP

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A taxi subsidy program is available for Beverly Hills residents age 62 or older and disabled residents with certain medical conditions. Participants may take taxi rides worth \$24.00 each month for only \$6.00. A maximum of \$12.00 worth of subsidy may be used per taxi ride. In July 2013 this program, which formerly used books of coupons, converted to a swipe card system. The system is compatible with most taxi dispatch systems used by companies in the Los Angeles area.

The City's taxicab rules and regulations are administered and enforced by a group within the Parking Services Division of the Department of Public Works & Transportation under the overall direction of the Director of Parking Operations. Enforcement is by Parking Control Officers and other City staff.

Additional information is available from the study of taxicab service commissioned by the City from Nelson\Nygaard Consulting Associates, which was presented to the City Council in a Study Session on February 5, 2013 and is available online at [www.beverlyhills.org](http://www.beverlyhills.org).

### E. KEY PROVISIONS

Taxicab franchises and operations will be governed by provisions contained in the BHMC, the adopted taxicab rules, and the franchise agreements that will be concluded with the selected operators. For convenience, key provisions are summarized here. This is not a complete list of provisions governing taxi operations in Beverly Hills. In the event of any inconsistency between this summary and the BHMC, the City's Rules and Regulations, or the Franchise Agreement, the provisions of the BHMC, the adopted taxicab rules, and the Franchise Agreement will take precedence in that order.

### Franchises and Permits

- No person, corporation or membership organization shall operate a taxicab service within the City Limits of Beverly Hills without a franchise granted by the City.
- Taxicab vehicles and drivers must be permitted by the City and must be affiliated with a franchised taxicab operator.
- Franchises convey a non-exclusive right to operate a taxicab service in Beverly Hills. The City may issue additional franchises at any time. Reasons for issuing additional franchises include, but are not limited to, a determination that the existing franchisees are unable to adequately serve demand for taxicab service in the city, if a franchisee's authorized number of vehicles is reduced or a franchise is revoked, or if a franchisee fails to meet the City's service quality standards. The City may also increase the authorized number of taxicabs of one or more existing franchisees, in which case preference will be given to companies scoring highest on annual evaluations.
- Franchises will be for an initial term of five years. Depending on franchisees' performance as determined in annual evaluations, incremental extensions may be recommended to the City Council. The overall term of the franchise, including incremental extensions, will not exceed ten years.
- Each franchisee must operate a minimum of 25 vehicles at all times, or whatever larger number of vehicles is specified in the Franchise Agreement.
- Within the term of the franchise, the franchise must be renewed annually, which will be automatic subject to payment of franchise fees and any outstanding penalties, unless the

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franchise has been suspended or the franchisee has failed to comply with the requirements of its Franchise Agreement or the City's taxi rules as determined by the Traffic and Parking Commission or City Council.

- Each franchisee must have a distinctive name, colors, phone numbers, and marketing materials that has been approved by the City and cannot be confused with those of other companies. All authorized taxis will be clearly marked as City of Beverly Hills authorized cabs. Taxicab numbers must be easily recognizable as designating a Beverly Hills permitted taxicab.
- Taxicabs permitted to operate in Beverly Hills may not be permitted for operation in any other city, with the exception of West Hollywood. However, wheelchair-accessible vehicles may be permitted in Los Angeles as long as the franchisee meets the requirements for wheelchair-accessible response time. This provision will be reconsidered once there is a solid record of service availability using the required digital record keeping and reporting.
- Franchisees must provide a City-approved comprehensive screening, testing and training program for all its drivers, including independent contractor and owner-operator drivers.

## Reporting and Evaluation

- Franchisees will be evaluated annually on the basis of service and compliance with all regulations and requirements. The annual evaluations will include response time, telephone hold time, the amount of service provided in Beverly Hills, compliance with reporting requirements, responsiveness to information requests, pass rates for driver exams and vehicle inspections, minimal incidents of expired driver documentation, complaints and resolution, etc. Franchisees that fail to meet the City's standards will be subject to being placed on probation, being assessed monetary penalties, having their franchise suspended, having their number of authorized vehicles reduced, or non-renewal of the franchise at the City's discretion.
- Franchisees will be required to submit detailed quarterly reports of service provided and various measures of service quality, to respond to City requests for data about specific trips, and to provide the City with access to full data files and paper records in order to investigate incidents or service concerns and to conduct on-site audits. The form and content of the required reports will be detailed in the Taxicab Rules. Franchisees will be required to report any compliance issue that they are aware of. Failure to provide all requested data to investigate an incident will be considered admission of fault.

## Penalties

- Franchisees and their drivers will be subject to a variety of penalties for non-compliance with the taxicab rules in effect at any given time.
- Franchisees will also be subject to penalties for non-compliance with specific provisions of the Franchise Agreement, including meeting performance standards and meeting commitments made in companies' proposals beyond minimum requirements.

## Dispatch Service and Vehicle Tracking

- Franchisees shall provide dispatch service that gives the public the ability to obtain taxi service by telephone 24 hours a day, 365 days a year from anywhere in Beverly Hills.
- Companies are encouraged to provide additional means of ordering service using state of the art technology. Such additional means, if offered, must be available 24 hours a day, 365 days a year from anywhere in Beverly Hills.
- Franchisees must have equipment that automatically records in digital form every request for service and every trip provided, whether dispatched or not, including sufficient detail to comply with the reporting requirements, in a form that allows the City to audit reports and obtain detailed information about any trip of interest.
- Franchisees must have equipment that automatically tracks the position and status of every taxicab in service and stores this information so that it can be retrieved by the company or the City for at least 90 days. Both the company and the City shall be able to track the location and activity each taxicab at all times and to track the past location, activities, and routes taken of each taxicab for the past 90 days. The City must be able to perform these actions from its offices without assistance from the taxi company aside from initial set up.

## Payment Methods

- All taxicabs must have working passenger-facing terminals that that give passengers the ability to pay for any trip using a major credit or debit card, without providing prior notice of their intent to do so, without assistance from the driver. The amount charged shall be determined automatically based on the meter reading. Printed receipts must be provided.
- Taxicabs must accept payment of fares using the City of Beverly Hills taxicard.
- Proposers are encouraged to offer addition means of payment using state of the art technology.
- Franchise holders may not charge a driver any fee based on the number or amount of that driver's non-cash transactions.

## Passenger Assistance

- Drivers are required to assist a passenger by placing luggage, packages and folding wheelchairs or other mobility devices in and out of the taxicab when requested. A driver is not required to assist with more luggage or packages than will fit in the storage compartment of the taxicab or any article that poses a safety risk. A driver shall assist a passenger in and out of a taxicab when requested, provided the driver is not required to lift the passenger.

## Accessibility

- Franchisees must have sufficient wheelchair-accessible vehicles and dispatching procedures to ensure that customers requiring an accessible vehicle can request service

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and be transported in an ADA-compliant accessible vehicle with the same response time as customers without disabilities. Wheelchair accessible vehicles must comply with all relevant requirements of the Americans with Disabilities Act and its implementing regulations (49 CFR Part 38) including door height, overhead clearance, ramp or lift design specifications, and securement devices.

- Wheelchair accessible vehicles shall have working and fully functional accessibility equipment meeting all ADA requirements at all times. Accessible vehicles without fully functional accessibility equipment shall not be permitted for use in Beverly Hills taxicab service.
- The driver of a wheelchair accessible vehicle must be trained to proficiency in the use of the vehicle's accessibility equipment and how to provide proper assistance to a passenger boarding in a wheelchair.
- Franchisees and their drivers shall not discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use taxi vehicles, refusing to assist with the stowing of mobility devices, and charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons. (49 CFR 37.29)
- Drivers must permit service animals, including any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, to accompany individuals with disabilities in their taxicab. (49 CFR 37.167)
- Drivers shall not intentionally interfere with the use of a service animal by harassing or obstructing the user or his or her service animal.

## Green Vehicles

- Within one year, at least 50% of each franchisee's fleet shall be Green Vehicles as defined by the Los Angeles Board of Taxicab Commissioners. Commitments to exceed the minimum Green Vehicle requirement will be considered in the proposal scoring process.
- Green Vehicles will be subject to inspection to verify compliance with environmental standards.
- After one year, if a company fails to maintain at least 50% of its permitted vehicles as Green Vehicles, the company's authorized number of taxicabs will be reduced to twice the actual number of permitted Green Vehicles. Once the authorized number of taxicabs has been reduced, it can only be increased or restored following formal action by the Traffic and Parking Commission.
- "Green" practices other than vehicles may also be proposed as enhancements.

## F. SELECTION PROCESS

### Minimum qualifications

In order to be considered for selection, proposers must meet the following minimum requirements. Proposals not meeting these minimum requirements will be disqualified and will not be further evaluated or scored.

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- Completion of all required forms including:
  - Proof of Financial Viability
    - Equity Funding
    - Debt Funding
  - Proof of Identity
    - Articles of Incorporation
    - Board of Directors
    - Officers
    - Principal Stockholders
  - Character Qualifications
  - Summary of business experience
  - Fleet Composition
  - Management/Business Plan
  - Acknowledgment of RFP and addenda, laws, rules and willingness to comply
- Evidence of ability to meet all technical requirements including the minimum number of vehicles, 24-hour dispatch, digital service and request tracking, digital taxicab activity and location tracking, credit/debit card equipment and procedures, taxicard payment, plan and commitment to meet accessibility requirements, reporting, plan and commitment to meet the minimum Green Vehicle requirements, and distinctive company identification and marketing.
- Existing facility within 20 miles, by the most direct route, of Beverly Hills City Hall where records will be maintained, administrative and dispatch staff are located, and lost property can be retrieved.

## **Disqualification of Proposals – Falsification of Information**

Discovery of undisclosed material information in the course of reference or background checks, or discovery of any falsification of information in a proposer's submission, will be grounds for disqualification and may subject the proposer to criminal prosecution. In addition, if it is determined at a later date that a successful proposer has falsified any information contained in the proposal, the Council may terminate any operator's franchise, the Council may hold the proposer liable to the City for all loss or damage which the City may suffer, and the proposer may be excluded from any future proposal submission or evaluation.

## **Evaluation of Written Proposals**

Those proposals that meet the minimum qualifications will be evaluated using the following scoring criteria:

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15%	Company experience, including experience in and around Beverly Hills, demonstrated quality of service in Beverly Hills and nearby cities
15%	Experience and qualifications of key management and administrative staff, including character references
25%	Quality and feasibility of the management plan, including organization/structure; procedures to assure that service will meet quality and compliance requirements; driver screening, training, supervision, and discipline; and ability to ensure continuity and effectiveness of management
15%	Facilities and equipment, including telephone systems, dispatching systems, vehicles, and maintenance
5%	Plan for start up of Beverly Hills operations or modification of existing operations
10%	Financial stability and capacity to meet commitments
15%	Enhancements and innovation: initiatives to promote continued viability of taxi service, community service, green vehicles or wheelchair vehicles above and beyond minimum requirements, advanced payment or order methods, methods to prevent overcharging, other
100%	Total

Promises of enhancements made in proposals will be evaluated in light of realism and proposers' capacity to implement them. Any enhancements that are accepted by the City and used as a basis for assigning points in the evaluation process will be included in the company's Franchise Agreement and will be subject to annual evaluation and possible suspension, termination, or penalties/liquidated damages. See the Proposal Instructions for additional detail.

## Further Evaluation

Based on this scoring process the City may establish a short list of proposers for further evaluation. The further evaluation may include, at the City's sole option, interviews at the City's offices, site visits to company facilities, and/or consideration of additional materials or clarifications requested by the City. No additional material or clarification will be considered unless it has been specifically requested by the City. The City reserves the right to make an award based solely on the written proposals. Therefore, proposers are urged to provide their most advantageous-possible offers in their written proposals.

## G. PROPOSAL INSTRUCTIONS

### 1. Proposer Identification.

(Complete the attached "Proposer Information Sheet - Taxicab Operator's Franchise" and submit with proposal - See Appendix D)

Each proposer must submit documentary proof, for example U.S. or California government issued photo identification, Articles of Incorporation, or other organizational identification paperwork,

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that they are who they represent themselves to be. If a proposer is a membership organization or corporation, the proposal must include a copy of the Articles of Incorporation from the Secretary of State, and the names of the current managers and principal stockholders. If a proposer is an individually owned company, its owner(s) and management personnel must be identified.

If a proposer is a membership organization, the names of the current elected officers and Board of Directors must be submitted with the proposal. Any changes in elected officers and Board of Directors either before the award of a franchise or during the term of a franchise must be submitted within five (5) calendar days of such change.

## 2. Disclosures

(Complete the attached "Proposer Information Sheet - Taxicab Operator's Franchise " and submit with proposal - Appendix D)

Each proposer and all principals thereof shall be fingerprinted by via Department of Justice Live Scan system for a criminal record check within seven (7) calendar days of the due date of the proposal and shall pay the fee of \$\_\_ for each person required for this process. This requirement will be waived for individuals who have completed this requirement within the 12 months preceding the due date of the proposal.

The proposer must disclose on the Proposer Information Sheet if:

- The proposer or any of its principals has ever been convicted in a criminal proceeding.
- Any of its employees, members, or persons leasing any of its vehicles have been cited for operating a taxicab or other vehicle for hire without the required permits or licenses anywhere in the United States or have been cited for any for any misdemeanor or infraction while operating a taxicab in the five years preceding the due date of the proposal.
- The proposer or any principal thereof has ever been a party to a civil proceeding in which it was held that the proposer or any principal thereof engaged in anti-competitive business practices, violated state or federal laws, or engaged in false/misleading advertising.
- The proposer or any principal thereof has ever had a business license revoked or suspended.
- The proposer or any principal thereof has ever been found in violation of any taxicab operator's license agreement.
- The proposer or any principal thereof has ever initiated litigation against a franchising authority or had a franchising authority initiate litigation against it.

For each disclosure, full details must be provided, including the person(s) involved, jurisdictions, dates, nature of the charge or violation, details of ligation, and final decision, if any.

## 3. Company Experience

Each proposer is required to submit a complete summary of all business experience for at least the last ten years, both positive and negative, that would reflect on proposer's ability to operate a taxicab service in Beverly Hills. Proposers who are currently have, or have previously been issued, franchises, permits, licenses or other authorization to operate taxicab services by any city, county,

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airport, or other governmental entity must provide a listing of those taxicab service operations and the authorizing entities.

The experience summary shall document the proposer's demonstrated ability in other locations to implement service similar to that proposed in Beverly Hills. Describe any significant operational or administrative improvements that were accomplished, as well as challenges encountered and how and whether they were overcome. Proposers are invited to provide any documentary evidence that is available testifying to the quality of the service that they have provided. Experience in and around Beverly Hills will be given particular weight in the proposal evaluation.

Proposers must list the individuals who have been responsible for key management functions of the company during the previous ten years, including the tenure of each person in each management position.

Each proposer must provide at least three references for its business operations during the previous ten years.

## 4. Staff Experience

Proposers shall identify the individuals who will be responsible for key management and administrative responsibilities for taxicab service in Beverly Hills. For each key staff person identified, proposals shall describe the functions they will perform and their relevant experience and qualifications for these functions, noting in particular significant operational or management accomplishments. A complete resume/employment history shall be submitted for all key management and administrative staff.

If the proposed management staff were associated with a different company during the previous ten years, references for their experience with that company or companies (for example from the company or from city staff with whom they had contact) should be provided. Lack of such references will not be disqualifying but will negatively affect the City's ability to determine the qualifications of the proposed staff.

## 5. Management Plan

### 5.1 Organizational Structure and Procedures

Describe the ownership and/or corporate structure of the company. Include:

- Copy of Corporate Charter, Articles of Incorporation, Bylaws and any other organizational identification paperwork;
- Criteria and procedures for election of Officers and Board of Directors or equivalent;
- Copies of membership, security and lease agreements;
- Process for membership/share approval, sale and transfer;
- Process for member dismissal;
- Process for maintaining active membership list reporting to the City;

Describe the management and administrative structure of the company, especially as affects operation of taxicab service in Beverly Hills. Include an organizational chart. If key management or administrative staff are not employees, describe their status including any contractual terms.

Identify who will be City's point of contact who will be responsible for ensuring continuous adherence to the terms of the franchise, for responding to City requests for information, and for addressing issues raised by the City, and who will have the authority to carry out necessary corrective action. This person, or a designated substitute with the same authority, must be available 24 hours a day, every day, for the term of the franchise.

## **5.2 Dispatch and Communication**

Describe the methods and procedures that will be applied, using the equipment and facilities identified in Section 6.3, to provide dispatch service that meets the City's service quality and compliance requirements. Describe any innovative features, beyond those required to meet the City's requirements, designed to provide added value, convenience, and appeal to the public. Describe how data will be managed to comply with the City's requirements for reporting, service monitoring, and incident investigation.

## **5.3 Driver Programs**

Describe the following:

- Processes for solicitation, screening, training, drug testing, English language testing and hiring drivers. Drivers must be able to read and speak English and communicate with their passengers in English without translation assistance. Drivers must be able to find their way around Beverly Hills and greater Los Angeles.
- Training programs, refresher courses, behind the wheel training, and training program delivery and testing, including training on providing services to elderly customers and people with disabilities.
- Road supervision and investigation and follow-up on incidents.
- Discipline or mediation procedures to address compliance, customer service, or performance issues.
- Incentive or award programs to promote high levels of service by drivers and staff who interact with customers.
- Procedures for accident investigation, tracking, and prevention.
- Programs for driver/employee life, health and disability social benefit plans including any financial contributions (per month) provided by the operator towards such programs.

## **5.4 Vehicle Maintenance and Inspection**

Describe the methods and procedures that will be used to ensure that all vehicles receive preventive and routine vehicle maintenance. Describe the methods and procedures that will be used to ensure that all vehicles used in Beverly Hills taxicab service meet all City requirements at all times, including procedures for maintaining documentation of compliance, for reporting to the City, and for correcting any problems found. Identify the staff who will perform these functions and how they will be deployed.

## **5.5 Maintaining Service Levels**

Describe the methods and procedures that will be used to:

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- Ensure that the required number of vehicles, including wheelchair accessible vehicles, is available for service at all time and that vehicles are deployed in a manner that allows for required response times to be met.
- Advertise, solicit or promote business including users of the Beverly Hills taxicard program, people with disabilities, visitors, and residents.
- Identify and address service deficiencies including, but not limited to, a full description of how senior citizens, people with disabilities, and potentially under-served or hard-to-serve locations will be guaranteed good service.
- Investigate, resolve, and respond to complaints, and avoid similar complaints in the future.

Describe other methods including internal incentives/disincentives to maintain service availability and quality.

## **5.6 Special Programs, Agreements and Services**

- Describe any special programs or agreements with other agencies or entities that may affect taxicab service in Beverly Hills.
- List all existing exclusive agreements within the City of Beverly Hills, including any with businesses, parking lots, hotels, restaurants, etc.

## **5.7 Record Keeping**

Describe how records will be maintained and made available to the City (in hardcopy and electronically) covering all aspects of compliance, maintenance of service levels, driver programs, discipline, vehicles, complaint investigation and response, accidents and claims. Describe how confidentiality will be maintained while providing necessary access.

## **5.8 Continuity and Follow-Through**

Describe how you will ensure that the commitments made in the proposal can be carried out throughout the term of the franchise. In particular describe methods that give management the capability to ensure that commitments are carried out, methods to promote continuity of management, and how continuity in programs and commitments can be maintained in the event of changes in management

# **6. Facilities and Equipment**

## **6.1 Operating Facilities**

Identify and describe the facility or facilities where the service will be managed and where service will be dispatched, records kept, and vehicles inspected, and where lost articles will be available for retrieval. If multiple locations/facilities will be used, identify the address of each and describe the facility, including other services that are operated from the same facility.

## 6.2 Fleet

Each proposer is required to complete a Fleet Plan (Appendix F) corresponding to the proposer's requested number of authorized taxicabs. Of the total number of proposed vehicles, the proposer must also propose a specific number of Green Vehicles as defined by the City of Los Angeles. In addition, sufficient wheelchair accessible vehicles, meeting ADA requirements, must be proposed to ensure that customers requesting an accessible vehicle receive the same response time as other customers. The proposal must specify a schedule for phasing in operation of all proposed vehicles. The following minimum percentages of proposed Green Vehicles and wheelchair accessible vehicles must be in operation: 25% by the end of the first month; 50% by the end of the fourth month; 75% by the end of the eighth month; and 100% by the end of the twelfth month after the franchise start date. Proposers are strongly encouraged to specify a more accelerated schedule for phasing in operation of vehicles in each category, beyond this minimum requirement.

For each vehicle listed in the Fleet Plan that is more than three years old, as of the due date of the proposal, the proposer must also identify when it will be replaced and the vehicle type with which it will be replaced.

## 6.3 Dispatch and Communications Equipment

Describe the dispatch and communications equipment that will be used, including how it will meet the City's requirements for order taking, dispatch of vehicles, vehicle tracking, service monitoring and reporting, and incident investigation. Describe the technology or services that will be used to accommodate the speech and hearing impaired.

## 7. Start-Up Plan

Each proposer shall provide a firm schedule for setting up operations that assumes that taxicab service as proposed in the proposal will commence on \_\_\_\_\_. Schedules shall specify the number of vehicles to be placed in service when operations begin, the dates when additional vehicles will be added, and the date when full operation is anticipated. This schedule shall address the fleet composition plan specified in Appendix F. Each proposer shall discuss how, within six months from the effective date of the operator's franchise, it will establish computerized dispatching, if such a system is not already in place, including communication with each vehicle's digital mobile data system and reporting to the City.

## 8. Financial Information

An important feature of the proposal is an adequate demonstration of financial capability to perform in accordance with the taxicab ordinance and the applicant's own proposal. Failure to provide detailed information of financial capability may be interpreted as evidence that the proposer is not properly qualified to be granted a taxicab franchise. Proposals must explain their plans for financing needed acquisitions, improvements, start-up or transition expenses, etc. Proposals must include a business plan showing how on-going outlays for equipment, personnel, property leases, maintenance, fees, debt service, etc. will be met from available revenue sources, including member dues or assessments, fees or assessments charged to drivers, and other sources.

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Provide a schedule of lease, gate and other driver fees to the extent that these are controlled by or known to the company. Describe any limits on these fees and how they are established. At a minimum provide a statistical snapshot of driver fees showing averages and ranges.

Documents showing the availability of sufficient equity and/or debt funding to start up and operate the proposed service or to make required or promised improvements must be submitted as part of the application. Acceptable documentation includes:

- Equity Funding - Minimum documentation shall include balance sheets, cash flow statements, and income statements in the forms as described by generally accepted accounting principles (GAAP) for the most recent three calendar years (2011, 2012 and 2013) or the proposer's last three fiscal reporting years. Audited financial statements by an independent Certified Public Accountant (CPA) will be given greater weight than non-audited statements. All personal financial statements will be kept confidential to the fullest extent permitted by applicable law. All financial statements submitted must be clearly marked "Confidential."
- Debt Funding - Minimum documentation shall include commitment letters from lending institutions. The letters should state the intended use of funds (e.g., purchase of equipment), be signed by an officer authorized to sign for the lending institution, and make a positive statement of the specific amount of funds that is available should a franchise be awarded to that proposer

## 9. Enhancements

In order to be eligible for evaluation points for Enhancements, a proposer must:

- Describe in detail the enhancement being offered.
- Demonstrate the proposer's capacity and ability to implement the enhancement and describe the proposer's record of achieving similar enhancements to service in other locations.
- Describe any risks that could prevent full implementation of the enhancement, for example failure of vendors, incompatibility of technology, regulatory changes, etc., and steps that will be taken to minimize these risks.
- Define clear measurements that can be used to determine whether, or to what extent the enhancement has been accomplished. Example measurements might be the number of qualified green vehicles above and beyond the minimum requirements operated in each year, number of vehicles operating with advance payment and/or overcharge preventing equipment, etc.
- Describe in detail and agree to specific penalties that will be assessed by the City if the proposed enhancements fail to achieve the proposed measures of successful implementation, unless the City determines that failure to implement is the result of circumstances beyond the franchisee's control and that could not have reasonably been foreseen.

In addition to exceeding requirements for Green Vehicles or wheelchair accessible vehicles, enhancements may include any innovative features, beyond those required to meet the City's requirements, designed to provide added value, convenience, and appeal to the public.

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The City is particularly interested in any innovative features that proposers have or will implement that will ensure continuation of quality taxicab service as a viable business model in the face of competition from other market entrants over which the City has little or no regulatory authority. In addition to features suggested earlier in the Key Provisions section of the RFP, features that have attracted attention and that may be of interest include: (1) methods of ordering a taxi that do not require customers to call a dispatch center; (2) payment methods that do not require a customer to swipe a credit card at point of transaction; (3) payment methods that provide passengers with protection against overcharging, for example by using the wrong rate of fare, taking an unnecessarily long route, or failing to apply the required flat rate to LAX; (4) electronic communication with customers that enable them to have real-time information, including visual information, about when their taxi is likely to arrive; (5) methods of accurately estimating taxi fares in advance so a customer knows with some certainty of the likely range for the actual fare; (6) mechanisms that provide customers with the ability to provide immediate electronic feedback on the quality of the driver and vehicle during or at the conclusion of a trip; and (6) means of communicating with customers, before, during, and after their trip, that utilize their mobile phones in appropriate ways.

Draft for Discussion



# **Attachment 2**

**Chapter 4**  
**PUBLIC TRANSPORTATION VEHICLES**

~~Article 1. Certificate Of Public Convenience And Necessity Taxicab Franchises~~

~~7-4-101 : CERTIFICATE REQUIRED FOR OPERATION OF TAXI BUSINESS:~~

~~No person shall operate or conduct any taxicab business within the city without a valid certificate of public convenience and necessity issued under the provisions of this article.~~ **7-4-101: DEFINITIONS:**

For purposes of this chapter the following definitions shall apply:

**PUBLIC TRANSPORTATION VEHICLE:** Any motor propelled vehicle, not otherwise defined in this section, used in the business of transporting passengers over the streets of the city, irrespective of whether or not any fee, compensation, or consideration is paid for such transportation.

**SIGHTSEEING VEHICLE:** Any motor propelled vehicle used for the transportation of passengers over the streets of the city for the purpose of showing points of interest or showing or exhibiting lands, houses, property, or any other thing or object for consideration.

**TAXICAB:** Any motor-propelled vehicle which, ~~for compensation fixed by~~ is designed to carry not more than eight persons, excluding the driver, and is either equipped with a taximeter, or a top light or has the words "taxi," "cab" or "taxicab" displayed on the exterior of the vehicle, and is used for the transportation of passengers and which is not operated for hire within and without the boundaries of the City, at rates for distance traveled, or for waiting, standby or traffic delay time, or for any combination of such rates, and not operating over a fixed defined route.

**TAXIMETER:** ~~A mechanical~~ An instrument or device by which the charge for the hire of a taxicab is registered, calculated, or indicated by figures in accordance with the distance traveled and/or the time elapsed. (1962 Code § 6-14.300 et seq.; amd. Ord. 99-O-2340, eff. 1-7-2000)

~~7-4-102 : APPLICANT QUALIFICATIONS:~~

~~Any applicant for a certificate of public convenience and necessity under this article shall meet the following conditions:~~

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~~A. Provide and maintain a minimum of thirteen (13) and a maximum of sixty (60) taxi vehicles for operation in the city; provided, however, that the transportation official shall require that a minimum of three (3), and may require that a maximum of ten (10), of the taxi vehicles shall be wheelchair accessible and ADA certified.~~

Provide 7-4-102 : FRANCHISE REQUIREMENT:

A. No person or corporation or membership organization shall operate a taxicab service without a franchise granted by the city. Franchises convey a non-exclusive right to operate a taxicab service in the city. The city may issue additional franchises at any time. Reasons for issuing additional franchises include but are not limited to a determination that the existing franchisees are unable to adequately serve demand for taxicab service in the city, including if a franchisee's authorized number of vehicles is reduced or a franchise is revoked, or if a franchisee fails to meet the city's service quality standards.

B. Franchises shall be awarded through a competitive process initiated through a request for proposals issued by the city. Franchise proposals will be evaluated based upon criteria that assess proposers' likelihood of providing quality, safe, reliable taxicab service that meets the city's standards and goals as set out in the request for proposals. Taxicab franchise proposals shall be examined and evaluated by a committee established by the City Manager, which shall make recommendations to the City Council. Any taxicab franchisee whose franchise has been revoked shall thereafter be prohibited from competing for award of a franchise for a period of three years following the scheduled expiration of its franchise agreement. Upon the award of a franchise, the franchisee shall enter into a franchise agreement with the city. The franchise agreement may impose obligations on the franchisee that are additional to but not inconsistent with those imposed pursuant to this Chapter. Each franchisee, including its members, drivers, and authorized agents, shall comply with the franchise agreement.

C. Franchises shall be valid for a limited term, in no event more than 10 years, including renewals and extensions. Each franchisee must renew its franchise annually. Renewal will be automatic within the term of the franchise subject to payment of franchise fees and any outstanding penalties, unless the franchise has been suspended or the franchisee has failed to comply with the requirements of its franchise agreement or the city's taxi rules as determined by the Traffic and Parking Commission or city council.

D. Each taxicab franchisee shall pay to the city an annual fee, established by resolution of the city council, for the privilege of operating a taxicab service in the city. The franchise fee shall consist of a fixed amount per franchise plus amounts per vehicle and driver. Such franchise fee shall be in addition to any other prescribed fees, including but not limited to, business license and permit fees. The franchise fee shall be due upon execution of the franchise agreement and on each anniversary date thereafter, unless otherwise specified in the franchise agreement. Failure to pay the full franchise fee when due shall be cause for revocation of the franchise. In the event that a franchisee adds to its total number of vehicles or drivers during a franchise year, a pro-rated fee per vehicle or driver shall be due upon issuance of the vehicle or driver permit.

E. Each taxicab franchisee shall maintain in operation in the city at all times a minimum of twenty-five (25) properly permitted taxicabs or such higher number as specified in its franchise agreement.



- ~~B. Whether the increased taxi service in the city will adversely impact on local traffic conditions;~~
- ~~C. Whether the applicant has the financial capability to ensure performance of the proposed taxi services;~~
- ~~D. Whether the applicant has been convicted of a felony or misdemeanor involving moral turpitude and has not demonstrated rehabilitative characteristics;~~
- ~~E. Whether the applicant meets requirements and conditions designated by this code. (1962 Code § 6-14.300 et seq.; amd. Ord. 99-0-2340, eff. 1-7-2000)~~

~~**7-4-105 : RECOMMENDATION ON APPLICATION BY TRAFFIC AND PARKING COMMISSION:**~~

~~The traffic and parking commission, upon ten (10) days' written notice, shall hold a public hearing on the application. After considering the criteria set forth in section 7-4-104 of this article, the commission shall make a written recommendation to city council to grant, conditionally grant, or deny the certificate of public convenience and necessity. (1962 Code § 6-14.300 et seq.; amd. Ord. 94-0-2191, eff. 2-18-1994; Ord. 99-0-2340, eff. 1-7-2000)~~

~~**7-4-106 : COUNCIL APPROVAL OR DENIAL OF CERTIFICATE:**~~

~~After receipt of the recommendation of the traffic and parking commission, the city council shall hold a public hearing on the application for the certificate of public convenience and necessity. Written notice of the hearing shall be provided at least ten (10) days prior to the hearing. The city council shall consider the recommendation of the traffic and parking commission, and based upon the criteria set forth in section 7-4-104 of this article, shall grant, conditionally grant, or deny the certificate of public convenience and necessity. If the certificate is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code of the reasons for the denial. (1962 Code § 6-14.300 et seq.; amd. Ord. 94-0-2191, eff. 2-18-1994; Ord. 99-0-2340, eff. 1-7-2000)~~

~~**7-4-107 : TERM AND TRANSFER OF CERTIFICATE:**~~

~~A certificate of public convenience and necessity issued under this article shall remain in effect until relinquished by the holder of the certificate, or until suspended, or revoked by the city. A certificate shall not be transferred to any other person or entity without prior city council approval. An application to transfer a certificate shall be processed in the same manner and in accordance with the same procedures for the grant of a new certificate as set forth in this article. Those procedures include city council approval of the transfer. (1962 Code § 6-14.300 et seq.; amd. Ord. 94-O-2191, eff. 2-18-1994; Ord. 99-O-2340, eff. 1-7-2000)~~

~~**7-4-108 : GROUNDS FOR REVOCATION OR SUSPENSION  
OF CERTIFICATE, OR REDUCTION IN NUMBER OF  
VEHICLES:**~~

~~A. A certificate of public convenience and necessity issued under this article may be suspended or revoked on any of the following grounds:~~

- ~~1. Failure to comply with any conditions imposed by the certificate.~~
- ~~2. Failure to comply with federal, state, or local laws and regulations; or~~
- ~~3. Failure to operate the taxi business in accordance to applicable orders, rules, and regulations.~~
- ~~4. Conduct of the taxi business in a fraudulent or disorderly manner, or in a manner which endangers the public health, welfare, or safety.~~
- ~~5. The holder of the certificate has failed or ceased to operate in accordance with the certificate.~~
- ~~6. Failure to obtain any public transportation vehicle permits during a one year period.~~
- ~~7. Allowing the total number of taxis authorized by the certificate to be reduced to zero pursuant to section 7-4-110 of this article.~~

~~B. The number of taxis authorized under any certificate of public convenience and necessity may be reduced where there is a finding by council that there is an excessive number of taxis in operation in the city. (1962 Code § 6-14.300 et seq.; amd. Ord. 99-O-2340, eff. 1-7-2000)~~

~~**7-4-109: COUNCIL HEARINGS ON REVOCATION,  
SUSPENSION, OR MODIFICATION OF  
CERTIFICATE:**~~

~~The city council, upon ten (10) days' public notice, may hold a public hearing on the revocation, suspension of the certificate, or modification in the number of taxis authorized under a certificate. At least ten (10) days prior to the public hearing, the certificate holder shall be notified by the city of the intended action, and shall be furnished a statement of the reasons for such intended action. At the conclusion of the public hearing, council may revoke or suspend the certificate or reduce the number of taxis authorized under the certificate. The certificate holder shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code of the reasons for any decision~~

~~revoking, suspending, or causing a reduction in the number of taxis authorized under the certificate. (1962 Code § 6-14.300 et seq.)~~

H. Franchisees shall maintain the infrastructure needed to enable its taxicabs to accept payment by major credit cards, debit cards, and the Beverly Hills senior taxicard complying with detailed requirements established in the rules and in franchise agreements. No franchisee may impose any fee or cost on its drivers based on the number or amount of a driver's non-cash transactions.

I. Franchisees shall comply with all provisions of the Americans with Disabilities Act and its implementing regulations regarding vehicles and provision of service. Franchisees shall ensure that customers with disabilities, including those using wheelchairs, can request service and be transported in an appropriate vehicle, with the same response time as customers without disabilities.

J. If, at any time, the city determines that there is a need for additional taxicabs in the city, it may conduct a competitive procurement for one or more additional franchises; alternatively, it may increase the authorized number of taxicabs of existing franchisees, in which case preference for additional authorized permits will be given to those companies with the highest scores in the most recent annual evaluation (Sec. 7-4-103). In the event that the city reduces a franchisee's authorized number of taxicabs or revokes it's franchise, the city may elect to conduct a procurement for additional franchisees or the reduced or eliminated permits may be retired or redistributed to other franchises with preference given to those companies with the highest scores in the most recent annual evaluation.

**7-4-103: EVALUATION OF FRANCHISES; GROUNDS FOR SUSPENSION, REVOCATION OR SANCTIONS:**

A. Franchisees shall compile and submit periodic reports of service provided, service quality, compliance with city rules, and requirements of the franchise agreement, and other matters as may be required by the transportation official. Specific reporting requirements, including the frequency of reporting, which shall be at least annually, shall be established in the rules promulgated under \_\_\_\_\_ and in the franchise agreement.

B. Taxicab service franchisees shall be evaluated annually on the basis of service quality (using standards established by the transportation official), compliance by the franchisee and its drivers with the rules promulgated under \_\_\_\_\_, and compliance with terms of the franchisee agreement. Franchisees that fail to meet the City's standards shall be subject to being placed on probation, being assessed monetary penalties, having their franchise suspended, having their number of authorized vehicles reduced, or non-renewal of the franchise on the basis of a schedule of sanctions contained in the rules promulgated under \_\_\_\_\_ and/or the franchise agreement. On the basis of the annual evaluation, the transportation official shall recommend to the Traffic and Parking Commission any action to be taken. Each franchisee shall be notified in writing of the outcome of its evaluation and the recommended action.

C. No sooner than xxx days after notice in writing to a franchisee of a recommended action based on an annual evaluation, the Traffic and Parking Commission shall hold a public hearing. At the conclusion of the public hearing, the commission may accept or modify the transportation official's recommendation and impose probation, monetary penalties, a suspension, a reduction in authorized vehicles, or non-renewal of the franchise. If a franchisee is placed on probation, it shall be notified of the terms of the probation and shall be subject to re-evaluation in six months.

F. If the Traffic and Parking Commission imposes a suspension, a reduction in authorized vehicles, or non-renewal of a franchise, the effect of the sanction shall be stayed for xxx days during which time franchisee may appeal the decision to the city council. In the event the franchisee provides written notice of its intent to appeal, the effect of the sanction shall be further stayed until the city council has heard the appeal.

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G. In the case of a franchisee whose annual evaluation determines that it has met the city's standards for service quality and has a good record of compliance with city rules, based on criteria promulgated under \_\_\_\_\_ and in the franchise agreement, the transportation official may recommend that the term of the franchise agreement be extended. The Traffic and Parking Commission shall review the transportation official's recommendation and shall recommend to the city council whether the franchise agreement should be extended, and if so, by how much and subject to what conditions.

**7-4-110      ~~7-4-104~~: REDUCTION OF NUMBER OF VEHICLES UPON FAILURE TO PROCURE PUBLIC TRANSPORTATION VEHICLE PERMITS:**

Where the holder of a ~~certificate of public convenience and necessity~~ franchise fails, in any year to procure public transportation vehicle permits for the total number of taxis authorized under the ~~certificate franchise~~, the number of taxis authorized by ~~the certificate of public convenience and necessity~~ the franchise shall be automatically reduced to the number of vehicles for which public transportation vehicle permits have been issued for that year. If a taxi is out of service for forty five (45) consecutive calendar days during the term of the public transportation vehicle permit issued for such vehicle, then the total number of taxis authorized by the ~~certificate of public convenience and necessity~~ franchise governing such vehicle shall be automatically reduced by one. Upon reduction of the number of taxis authorized by a ~~certificate of public convenience and necessity~~ franchise pursuant to this section, the number of vehicles authorized by such ~~certificate franchise~~ may be subsequently increased only by filing an application through the process described in accordance with subsection Section 7-4-103F of this article. (1962 Code § 6-14-300 et seq.; amd. Ord. 99-0-2340, eff. 1-7-2000) 102 (I).

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**7-4-105: ENVIRONMENTAL GOALS:**

It is a goal of the city to maximize the use of taxicab vehicles that meet State of California standards for low emissions of pollutants including greenhouse gases. The transportation official shall promulgate rules, and shall include provisions in any competition to award taxicab franchises, with the purpose of achieving this goal.

**7-4-105: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:**

The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect.

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The holder of a franchise shall comply with such rules and regulations and any violation shall constitute a violation of this code subject to an administrative citation as provided by title 1, chapter 3, article 3 of this code or such other penalties as determined by the city prosecutor.

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**Article 2. Taxis And Other Public Transportation Vehicles**

**7-4-201      ~~7-4-201~~: PUBLIC TRANSPORTATION VEHICLE PERMIT REQUIRED:**

A. A. No person shall operate any taxi, limousine, bus, sightseeing vehicle, or other public transportation vehicle without a public transportation vehicle permit for each such vehicle issued under the provisions of this title; with the exception of those vehicles designated in subsection B of this section.

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B. B. The provisions of subsection A of this section shall not be applicable to the following:

1. 1. Any vehicle for which a permit or certificate has been issued by the state public utilities commission or by the federal interstate commerce commission.

2. 2. Any school bus used by or under contract with a public or private school.

3. 3. Any vehicle transporting passengers from a point outside the city to a destination within the city, or proceeding through the city while en route to a destination outside the city. This exemption allows a taxi without a public transportation vehicle permit to unload and reload particular passengers with the intent to transport them to another location as long as: a) its taxi meter continues to run; b) it does not leave the city; and c) it does not provide transportation to any other persons while waiting for such passengers. This exemption shall not apply to any taxi that unloads passengers within the city, departs the city, resets its taxi meter and then returns to the city and reloads the same passengers. (1962 Code § 6-14.100 et seq.; amd. Ord. 99-O-2340, eff. 1-7-2000)

7-4-202      **7-4-202: APPLICATION FOR PUBLIC TRANSPORTATION VEHICLE PERMIT:**

Applications for public transportation vehicle permits shall be filed with the city and shall comply with the following requirements:

A. A. Completion of an application on the form designated by the city, and signed by the applicant under penalty of perjury.

B. B. New applications shall be filed a minimum of forty five (45) days prior to the date requested for issuance of the permit. Any new application that is rejected must be refiled a minimum of thirty (30) days prior to the date requested for permit issuance. An application filed less than thirty (30) days prior to the date requested for permit issuance shall not be accepted.

C. C. Payment of the fee as prescribed by council resolution.

D. D. An inspection and a certificate of the mechanical condition of the vehicle issued within thirty (30) days of the filing of the application.

E. E. The application shall be accompanied by a copy of the current registration issued by the state department of motor vehicles for the vehicle for which the permit is requested.

F. F. Renewal permit applications shall be filed a minimum of forty five (45) days prior to expiration of any existing permit. Any renewal application that is rejected must be refiled a minimum of thirty (30) days prior to expiration of any existing permit. A renewal application that is refiled less than thirty (30) days prior to the date requested for permit renewal shall not be accepted.

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Beverly Hills Municipal Code, Chapter 4, Public Transportation Vehicles  
Draft Revisions for Discussion

~~G.~~ G. Where the applicant is a corporation, association, partnership, or other legal entity, applicant shall mean each partner, officer, director, and each shareholder owning or controlling more than ten percent (10%) of such entity.

~~H.~~ H. Applications for taxis shall be made by, and the permit issued to, the holder of the ~~certificate of public convenience and necessity~~ taxicab franchise; provided further, if the holder of the ~~certificate franchise~~ is an association, the public transportation vehicle permit application shall be filed by the owner of the vehicle, and permit issued under this article shall be issued to the owner of such vehicle. All correspondence shall be conducted through the holder of the ~~certificate franchise~~. If the holder of the ~~certificate franchise~~ is an association, then such association shall be responsible for communicating city correspondence to the owner of the vehicle. An "association", for purposes of this article, is defined as an organization which provides taxi service, and the taxi vehicles are owned and operated by individual members of such organization.

~~I.~~ I. Applications for taxis shall be accompanied by a taximeter inspection permit which has been issued by the county of Los Angeles department of weights and measures within thirty (30) days of filing of the application, (1962 Code § 6-14.100 et seq.; amd, Ord. 99-O-2340, eff. 1-7-2000)

~~7-4-203~~ 7-4-203: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

~~A.~~ A. The public transportation vehicle permit will be issued by the transportation official unless there is a finding that:

- ~~1.~~ 1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics;
- ~~2.~~ 2. The applicant has made a material misrepresentation in the application;
- ~~3.~~ 3. The vehicle does not comply with the rules and regulations of the city;
- ~~4.~~ 4. If the application is for renewal of a permit, that the applicant has violated conditions of the previous permit, or ordinances or regulations of the city in the conduct of the business or activity.

~~B.~~ B. When one or more of the findings is negative to the applicant, a permit may be conditionally issued to the applicant, where unique circumstances exist which justify issuance of the permit, and provided that appropriate conditions are imposed on the permit to protect the public health, welfare, and safety. (1962 Code § 6-14.100 et seq.)

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~~7-4-204~~      ~~7-4-204~~: DENIAL OF PERMIT:

Where the permit is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code, of the denial and reasons therefor. (1962 Code § 6-14.100 et seq.)

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~~7-4-205~~      ~~7-4-205~~: TERMS OF PERMITS:

Permits issued pursuant to this article shall be effective for a period of one year from date of issuance unless a shorter term is specified on the permit. A separate permit is required for each vehicle. (1962 Code § 6-14.100 et seq.)

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~~7-4-206~~      ~~7-4-206~~: REVOCATION OR SUSPENSION OF PERMIT OR IMPOSITION OF SANCTIONS:

A permit issued under this article may be revoked, suspended, or sanctions imposed by the transportation official for any of the following reasons:

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A.      A. \_\_\_\_\_ A material false statement contained in the application;

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B.      B. \_\_\_\_\_ Failure to comply with federal, state or local laws and regulations;

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C.      C. \_\_\_\_\_ Failure to comply with any conditions imposed by the city on the issuance of the permit;

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D.      D. \_\_\_\_\_ Failure to operate in accordance to such orders, rules and regulations as may be applicable;

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E.      E. \_\_\_\_\_ Conduct of the business in a fraudulent or disorderly manner, or in a manner which endangers the public health, welfare, or safety. (1962 Code § 6-14.100 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994; Ord. 99-O-2340, eff. 1-7-2000)

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~~7-4-207~~      ~~7-4-207~~: NOTICE OF PROPOSED DISCIPLINARY ACTION AND HEARING:

Prior to suspension or revocation of a public transportation vehicle permit, or the imposition of sanctions, a hearing shall be held thereon by the transportation official. The permittee shall be notified in writing of the grounds for suspension or revocation of the permit, or imposition of sanctions at least ten (10) days prior to the scheduled hearing, (1962 Code § 6-14.100 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994)

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~~7-4-208~~      **7-4-208: EMERGENCY TEMPORARY SUSPENSION OF PERMIT:**

Where the conduct of the permittee or the mechanical condition of the vehicle creates an imminent peril to the public health, welfare, safety, or where the permittee refuses to allow inspection of the vehicle under section 7-4-216 of this article, the permit may be summarily suspended by the transportation official upon written notice to the permittee stating the basis for the suspension and without a hearing; provided further, any temporary emergency suspension shall not exceed fifteen

(15) days pending a hearing under section 7-4-207 of this article. (1962 Code § 6-14.100 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994)

~~7-4-209~~      **7-4-209: DECISION ON SUSPENSION, REVOCATION, OR SANCTIONS:**

The decision of the transportation official shall be rendered within five (5) days of the hearing. The decision shall be in writing, and shall set forth the findings and reasons for the decision, and the licensee shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code. (1962 Code § 6-14.100 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994)

~~2-18-1994)~~

~~7-4-210~~      **7-4-210: TRANSFER OF PERMITS:**

~~A.~~      A. Public transportation vehicle permits issued to one vehicle may be transferred to replacement vehicle, provided that the transferee vehicle meets the requirements of this chapter, and the applicant complies with regulations issued pursuant to section 7-4-217 of this article, and pays the transfer fee as designated by council resolution.

~~B.~~      B. A public transportation vehicle permit issued to one person for a vehicle may be transferred to another person, provided that the transferee applicant files the transfer application form designated by the city, meets the criteria of section

~~7-4-203~~ of this article, complies with any regulations issued pursuant to section 7-4-217 of this article, and pays the transfer fee as designated by council resolution. (1962 Code § 6-14.100 et seq.)

~~7-4-211~~      **7-4-211: APPEAL TO TRAFFIC AND PARKING COMMISSION:**

Any final decision of the transportation official denying a permit or imposing sanctions under this article, may be appealed to the traffic and parking commission. Any appeal shall be filed with the transportation official within fourteen (14) days of the decision by the transportation official. The traffic and parking commission shall hold a hearing on the appeal, and the appellant shall be given at least ten (10) days' notice of such hearing. The hearing shall be held under the rules of procedure adopted by the traffic and parking commission. The traffic and parking commission shall have the authority to sustain, modify, or overrule the decision of the transportation official. The decision shall be in writing, shall set forth the reasons for the decision and the appellant shall be notified in writing in accordance with title 1, chapter 5,

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article 1 of this code. Any decision rendered by the traffic and parking commission under this section shall be final and shall not be appealable to city council. (1962 Code § 6-14.100 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994)

**7-4-212**      **7-4-212**; INSURANCE REQUIRED:

(Rep. by Ord. 99-O-2340, eff. 1-7-2000)

**7-4-213**      **7-4-213**; **RESTRICTIONS AND REGULATIONS APPLICABLE TO PUBLIC TRANSPORTATION VEHICLES:**

In addition to other regulatory provisions of this code, the following restrictions and prohibitions shall be applicable to public transportation vehicles:

**A.**      **A.**      The public transportation operator's permit shall be conspicuously displayed inside each vehicle at all times such vehicle is operated in the city. The holder in which the permit is displayed shall contain a statement which is visible to passengers upon removal of the permit, and which states the public transportation operator's permit is required by law to be displayed at all times the vehicle is in operation.

**B.**      **B.**      The rates charged for taxicab service shall be conspicuously displayed in both the front and rear seating compartments of each vehicle, in clearly legible print and on a placard of a minimum size of four inches by six inches (4" x 6"); and such placard shall also state the name, business address, and telephone number of the holder of the ~~certificate of public convenience and necessity~~ taxicab franchise.

**C.**      **C.**      The driver shall, upon receipt of full payment of the fare, issue a written receipt to any passenger requesting a receipt.

**D.**      **D.**      No owner, driver, or agent shall charge, collect, demand, receive, or arrange for any compensation for service in excess of the rates established by council.

**E.**      **E.**      No owner, operator, or agent shall misrepresent by word, sign, hatband, insignia, or badge, or by any other means or device, the true identity of the vehicle in soliciting patronage for such vehicle.

**F.**      **F.**      The operator of the vehicle shall not cruise streets for the purpose of soliciting passengers, shall not leave the vehicle for the purpose of soliciting passengers, and shall not solicit passengers in a tone of voice louder than ordinarily used in conversation.

**G.**      **G.**      The operator of the vehicle shall be properly groomed and neatly dressed.

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H. H. Each public transportation vehicle shall have the current public transportation vehicle permit issued by the city affixed upon the left portion of the rear area of the vehicle.

I. I. The vehicle, and all equipment therein, shall comply with all applicable requirements of the state Vehicle Code, the federal motor vehicle safety standards, safety orders of the state division of industrial safety, the Americans with Disabilities Act, and any vehicle standards promulgated by the city.

J. J. Any person violating this section shall be subject to an administrative citation as provided by title 1, chapter 3, article 3 of this code or such other penalties as determined by the city prosecutor, (1962 Code § 6-14.100 et seq.; amd. ~~Ord. Ord. 94-O-2191, eff. 2-18-1994; Ord. 99-O-2340, eff. 1-7-2000; Ord. 10-O-2588, eff. 10-22-2010~~)

~~94-O-2191, eff. 2-18-1994; Ord. 99-O-2340, eff. 1-7-2000; Ord. 10-O-2588, eff. 10-22-2010~~

**7-4-214 4-214: ADDITIONAL RESTRICTIONS AND REGULATIONS APPLICABLE TO TAXIS:**

In addition to the other regulatory provisions of this code, and the regulatory provisions of section 7-4-213 of this chapter, the following restrictions and prohibitions are specifically applicable to taxis:

A. A. No taxicab shall stand in a taxicab zone unless the vehicle both: 1) is authorized by a ~~certificate of public convenience and necessity franchise~~ pursuant to this code; and 2) has been issued a public transportation vehicle permit pursuant to this code. More than one taxicab from each franchisee may simultaneously stand in a queue in any designated taxicab zone unless one or more taxicabs from a franchisee or franchisees which are unrepresented in the taxicab zone approach to park at the taxicab zone. In such event, the taxicab which is standing last in the queue in the taxicab zone and which is represented by the same franchisee shall relinquish its space to the taxicab which is not represented in the taxicab zone. Every driver shall remain inside their cab while waiting at a taxicab zone.

B. B. Every taxicab shall be identified by marking on both sides of the vehicle the name and telephone number of the taxi company, and a number designating the specific taxicab; and with the number designating the specific taxicab also placed on the rear of the vehicle. The numbering method shall be approved by the city and shall allow easy determination that the taxicab is one permitted for operation in Beverly Hills. Lettering shall be not less than two and one-fourth inches (2 1/4") in height and not less than five-sixteenths inch (5/16") in stroke.

C. C. No sign shall be displayed upon any taxicab; except a sign identifying the vehicle as a taxi may be displayed on the top of such vehicles, and provided that such sign does not exceed six inches (6") high and twenty-four inches (24") in length.

D. D. Every taxi driver while transporting any passenger to a destination shall proceed with the most direct route which will deliver the passenger safely and expeditiously to the destination.

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~~E.~~ E. Any person engaging a taxicab shall have the full and exclusive use of such vehicle, and the taxi driver shall not solicit or carry any additional passenger without the consent of the person first engaging the taxi.

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~~F.~~ F. Taxi passengers shall be seated in the rear seat of the taxi, except when the rear seat of the taxicab is fully occupied, or except for student drivers, supervisors, or aged, infirm, or handicapped persons who cannot readily enter the rear compartment of the taxicab.

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~~G.~~ G. Each taxicab shall be equipped with a computer dispatch system capable of two-way voice communication and two-way data communication with the organization's base computer dispatch system, from all locations within the city limits. Every driver of a taxicab shall monitor the computer dispatch system at all times, and the computer dispatch system shall be in operation at all times that the vehicle is in service.

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~~shall be in operation at all times that the vehicle is in service.~~

~~H.~~ H. Each taxicab shall be equipped with a taximeter which shall at all times accurately reflect the taxi service charges. Taximeters shall be of a type and design approved by the city. Taximeters shall be illuminated with charges readily discernible by any passenger in the taxicab. Where the approved taximeter is capable of a setting to rates other than approved by the city, the taximeter shall by sign, or other device clearly indicate when the rates authorized by this chapter are being charged when operating within the city.

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~~I.~~ I. The documents required by subsection 7-4-213A of this chapter shall be displayed in each taxicab, by placing in a holder permanently affixed to the dash of the vehicle, and in full view of passengers. A taxicab service evaluation notice, identifying the telephone number to contact in the event of passenger complaint or comment, in the form required by the city, shall be conspicuously displayed in the taxicab vehicle.

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~~J.~~ J. No vehicle shall be issued a public transportation vehicle permit for taxicab use where such vehicle is in excess of five (5) years of age from the year of its manufacture unless such vehicle undergoes a special inspection by a mechanic selected by the city and not affiliated with the taxicab operator before the end of the vehicle's fifth and sixth years, and obtains a certificate certifying that the mechanical condition of the vehicle is satisfactory. This special vehicle inspection shall be in addition to the inspections required by subsection 7-4-202D and section 7-4-216 of this chapter and shall be based upon standards established by the city. In no event shall the vehicle remain in operation for more than seven (7) years from the date of its manufacture.

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~~K.~~ K. Any vehicle operated as a taxi shall be equipped with functioning air conditioning.

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L. No taxicab shall be operated without a distinctive and uniform color scheme or identification which designates the company responsible for the taxicab and which has been approved by the City. No color scheme, name, monogram, or identification shall be in conflict with or imitate those used by another taxicab company in Beverly Hills or any jurisdiction within five miles of the Beverly Hills city limits in

such a manner as to be misleading or to tend to confuse or defraud the public, as determined solely by the city. Once an identifying color scheme and identification has been approved by the city, no change will be required based on adoption of a similar color scheme, name, etc. by a company operating in another jurisdiction.

M. Each taxicab operated under a franchise shall be identified as a City of Beverly Hills authorized taxicab by decals or other suitable means as specified by the city. Identifying decals shall be provided by the city for such purpose upon payment of the \_\_\_\_\_ fee specified in Section \_\_\_\_\_. No person shall identify any vehicle by means of a City of Beverly Hills decal or facsimile thereof unless authorized to do so by the City.

N. Each taxicab shall be equipped a terminal facing the back seat that provides passengers the ability to pay for any trip using a credit or debit card, without providing prior notice of their intent to do so, without assistance from the driver. The amount charged shall be the amount displayed on the taximeter plus any tip amount, or no tip, as chosen by the passenger.

O. The transportation official shall promulgate rules defining the requirements for taxi drivers to assist passengers, including passengers with disabilities.

P. Any person not in compliance with this section shall be subject to an administrative citation as provided by title 1, chapter 3, article 3 of this code or such other penalties as determined by the city prosecutor, (1962 Code § 6-14.100 et seq.; amd. Ord. 94-O-2191, eff. 2-18-1994; Ord. 99-O-2340, eff. 1-7-2000; Ord. 10-O-2588, eff. 10-22-2010)

~~7-4-215~~ **7-4-215: METERED TAXICAB RATES:**

A. The taxicab rates for any taxicab operating over any street in the city shall be as follows:

1. Drop Charge: Two dollars forty five cents (\$2.45) for the first one-seventh (1/7) mile or 47.5 seconds, or fraction thereof.

2. Other Charge:

a. Distance Charge: Thirty five cents (\$0.35) for each additional one-seventh (1/7) mile, or fraction thereof (\$2.45 per mile); or

b. Waiting/Delay Charge: Thirty five cents (\$0.35) for each 47.5 seconds waiting time and/or traffic delay, or fraction thereof (\$26.53 per hour).

B. The taxicab rate for any taxicab operating over any street in the city that provides taxicab trips to the Los Angeles International Airport shall be thirty eight dollars (\$38.00) flat rate per trip.

C. The rates and fares set forth in subsections A and B of this section shall be collected only to the extent shown on the taxicab meter, regardless of the number of persons occupying the taxicab. No rate or charge other than that specified in this section shall be placed in effect, charged, demanded, or

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collected for taxicab service originating in the city, regardless of whether the destination of such service is within or beyond the corporate boundaries of the city.

D. D. Each taxicab operating within the city shall be subject to and comply with all provisions of the city's taxi coupon program as adopted by the city council, and shall accept taxi coupons as provided therein. (Ord. 10-O-2581, eff. 6-4-2010) **Update to account for swipe cards.**

~~7-4-216~~ **7-4-216: INSPECTION OF VEHICLES:**

The director of transportation, or the director's designee, shall have authority at all reasonable times to inspect or cause the inspection of any public transportation vehicle and the records of any permittee regulated by this article.

A. A. Refusal to permit inspection shall be the basis for emergency suspension of the permit pursuant to section 7-4-208 of this article.

B. B. When an inspection reveals safety defects that in the opinion of the director or the director's designee endanger the safety of the public, or where the taximeter on any taxicab is inaccurate, or has been tampered with to incorrectly reflect the rates authorized by city, the permit may be suspended pursuant to section 7-4-208 of this article.

C. C. Failure to appear for a scheduled inspection shall constitute a violation of this code subject to an administrative citation pursuant to title 1, chapter 3 of this code.

D. D. If a public transportation vehicle fails a scheduled inspection, the permittee shall arrange for a reinspection of the vehicle within fourteen (14) calendar days. The permittee shall be responsible for paying the reinspection fee as established by resolution of the city council. (1962 Code § 6-14.100 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994; Ord. 99-O-2340, eff. 1-7-2000; Ord. 01-O-2368, eff. 3-8-2001)

~~7-4-217~~ **7-4-217: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:**

The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of the public transportation vehicle permit shall comply with such rules and regulations and any violation shall constitute a violation of this code subject to an administrative citation as provided by title 1, chapter 3, article 3

of this code or such other penalties as determined by the city prosecutor. (Ord. 10-O-2588, eff. 10-22-2010)

~~7-4-218~~      ~~7-4-218~~; **PUBLIC TRANSPORTATION VEHICLE INSURANCE:**

Notwithstanding the provisions of section 3-4-2 of this code, every applicant for a taxicab transportation vehicle permit or permits shall obtain and maintain in full force and effect commercial automobile liability insurance meeting the following requirements for each vehicle listed on the application:

~~A.~~      ~~A.~~      The insurer must be a carrier licensed and admitted by the California department ~~Department~~ of insurance ~~Insurance~~ to sell commercial automobile liability insurance in the state of California and be a member of the California Insurance Guarantee Fund.

~~B.~~      ~~B.~~      The policy shall be written with policy limits of not less than ~~three hundred fifty thousand one million~~ dollars (\$~~3501,000,000.00~~) combined single limit per occurrence. Such insurance may include a property damage deductible not greater than two thousand five hundred dollars (\$2,500.00) per occurrence.

~~C.~~      ~~C.~~      The policy shall contain a condition that it cannot be modified or cancelled without at least thirty (30) days' prior written notice to the city.

~~D.~~      ~~D.~~      Each policy shall contain an endorsement naming the city as an additional insured and shall be primary to and not contributing with any other insurance covering or maintained by the city.

~~E.~~      ~~E.~~      A certificate of insurance shall be attached to the application for the taxicab public transportation vehicle permit or permits. Upon approval of the application, a copy of the additional insured and cancellation endorsements required by subsections C and D of this section shall be filed with the city within thirty (30) days of the date the application is approved. Certificates and endorsements shall be filed on the forms provided by the city and the endorsement shall be notarized. (Ord. 89-O-2062, eff. 6-8-1989; amd. Ord. 99-O-2340, eff. 1-7-2000)

**Article 3. Operator's Permit**

~~7-4-301~~      ~~7-4-301~~; **OPERATOR'S PERMIT REQUIRED:**

No person shall drive or operate a public transportation vehicle regulated by this chapter without a valid public transportation operator's permit issued under this article. (1962 Code § 6-14.400 et seq.; amd. Ord. 94-O-2191, eff. 2-18-1994)

~~7-4-302~~      ~~7-4-302~~; **APPLICATIONS FOR OPERATOR'S PERMIT:**

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Application for an operator's permit shall be filed with the transportation official and shall comply with the ~~following requirements~~following requirements:

~~A.~~ A. Completion of an application on the form designated by the transportation official and signed by the applicant under penalty of perjury.

~~B.~~ B. A photograph and fingerprints of the applicant shall accompany the application.

~~C.~~ C. Proof of a current valid California driver's license.

~~D.~~ D. Proof applicant is at least eighteen (18) years of age.

~~E.~~ E. Passing an examination which shall be developed and administered by the transportation official in which the applicant demonstrates the qualifications necessary for the operation of a public transportation vehicle. The examination shall test the ability of the applicant to perform the operator services authorized by the permit, including, but not limited to, the applicant's ability to communicate in English, to locate with the aid of a street atlas, street addresses and intersections, and the ability to communicate points of interest.

~~F.~~ F. Payment of the fees as prescribed by council.

G. Proof of employment.

G. 1. If the applicant will be operating a public transportation vehicle as an employee, the application shall be accompanied by a letter from the employer stating that the applicant will be employed upon issuance of the operator's permit. If the applicant will be operating a public transportation vehicle as a member of an association, then the application shall be accompanied by a letter from the association stating that the applicant will be admitted upon issuance of the operator's permit. If the applicant will drive a taxicab in any capacity, the application shall be accompanied by a letter from a taxicab franchisee stating that the applicant will drive a taxicab for that franchisee.

2. An operator's permit will be valid only as long as the applicant continues to drive for the employer, association, or taxicab franchisee identified in G.1. An operator's permit may be modified to allow the holder to drive for another entity provided the permit holder meets all the requirements of this section, files a transfer application on forms provided by the city accompanied by a letter from the other entity stating that the applicant will drive for that entity, and pays the transfer fee established by the city.

~~H.~~ H. Evidence of compliance with a controlled substance and alcohol testing certification program. That certification program, and compliance with it, must meet the following requirements:

1. The applicant must test negative for each of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations and for alcohol, before

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employment. For purposes of this subsection H, "employment" includes self-employment as an independent driver. As used in this section, a "negative test for alcohol" means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

2-2. Procedures of the certification program must be substantially as in part 40 (commencing with section 40.1) of title 49

of the Code of Federal Regulations, except that the driver must show a valid California driver's license at the time and place of testing. Requirements for rehabilitation and for return to duty and follow up testing and other requirements must be substantially as in part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations.

3. 3. A test conducted in another California jurisdiction will be accepted as meeting the testing requirement of the city of Beverly Hills. Any negative test result will be accepted for one year as meeting a requirement for periodic permit renewal testing in the city if the driver has not tested positive subsequent to a negative result. However, an earlier negative result will not be accepted as meeting the preemployment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

4. 4. If the permitted owner of the taxicab or taxicabs is an employer, and the applicant for an operator's permit is an employee or prospective employee, then the following additional requirements are applicable:

a. a. The test results must be reported directly to the permitted owner that is the employer, or prospective employer, of the applicant for an operator's permit. The permitted owner is required to notify the city of positive results with regard to any employee, or prospective employee, who is an applicant for an operator's permit.

b. b. Permitted owners that employ taxicab drivers are responsible for compliance with, and must pay all costs of, this program with respect to their employees and prospective employees, except that a permitted owner may require employees who test positive to pay the costs of rehabilitation and of return to duty and follow up testing.

c. c. The permitted owner must notify the city upon termination of employment of a permitted taxicab driver. Upon termination, the operator's permit will become void, and the taxicab driver must return the permit to the city.

5. 5. In the case of a self-employed independent driver, the following additional requirements are applicable:

a. a. Self-employed independent drivers are responsible for compliance with, and must pay all costs of, this program with regard to themselves.

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b. b. The test results must be reported directly to the city, and the city must then notify the taxicab leasing company of record, if any, of positive results.

c. c. Upon the request of a driver applying for a permit, the city will give the driver a list of the consortia certified pursuant to part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations that are known to offer tests in or near the city.

6. 6. All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law.

7. 7. The city council, by resolution, may levy service charges, fees, or assessments in an amount sufficient to pay for the costs of implementing and administering the procedures specified in this subsection H, which are implemented pursuant to California Government Code section 53075.5. (1962 Code § 6-14.400 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994; Ord. 99-O-2322, eff. 3-5-1999; Ord. 99-O-2340, eff. 1-7-2000)

~~7-4-303~~      **7-4-303: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:**

The permit will be issued by the transportation official unless there is a finding that:

A. A. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics.

B. B. The applicant has made a material misrepresentation in the application.

C. C. Within the preceding seven (7) years, the applicant has been convicted of or pleaded guilty to reckless driving or driving under the influence of intoxicating liquors or narcotics.

D. D. Within the preceding twelve (12) month period the applicant has been convicted or pleaded guilty to two (2) or more moving violations under the state Vehicle Code or has been determined by the department of motor vehicles (or equivalent public entity) to be at fault in two (2) or more vehicular accidents in any state.

E. E. The applicant possesses physical deficiencies which would render operation of a public transportation vehicle by applicant an increased risk of injury to persons or property.

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F. F. The applicant fails to pass the examination required by subsection 7-4-302E of this article, or fails to meet other requirements of this article.

G. G. The applicant has tested positive for any of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations or for alcohol. For the purposes of this subsection, a "positive test for alcohol" means an alcohol screening test showing a breath alcohol concentration of more than 0.02 percent, (1962 Code § 6-14.400 et seq.; amd. Ord. 94-O-2191, eff. 2-18-1994; Ord. 99-O-2322, eff. 3-5-1999; Ord. 99-O-2340, eff. 1-7-2000)

**7-4-304 4-304: DENIAL OF PERMIT:**

Where the permit is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code, of the denial and the reasons therefor. Any denial may be appealed to the transportation official by filing an appeal with the transportation official within fourteen (14) days of the denial. (1962 Code § 6-14.400 et seq.; amd. Ord. 99-O-2340, eff. 1-7-2000)

**7-4-305 7-4-305: TERMS OF PERMITS:**

Permits issued pursuant to this article shall be effective for a period of three (3) years from date of issuance, (1962 Code § 6-14.400 et seq.; amd. Ord. 99-O-2340, eff. 1-7-2000)

§ 6-14.400 et seq.; amd. Ord. 99-O-2340, eff. 1-7-2000)

**7-4-306 4-306: REVOCATION OR SUSPENSION OF PERMITS OR IMPOSITION OF SANCTIONS:**

A permit issued under this article may be revoked, suspended, or sanctions imposed by the transportation official for any of the following reasons:

A. A. A material false statement contained in the application.

B. B. Failure of permittee to comply with federal, state, or local laws.

C. C. Failure of permittee to comply with provisions of this chapter or regulations promulgated by the transportation official.

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~~D. D.~~ The permittee has been convicted of a felony, reckless driving, pandering, the use, sale, possession, or transportation of narcotics or illicit intoxicating liquors, or for assault or battery, or for driving under the influence of alcohol or narcotics.

~~E. E.~~ Within the preceding twelve (12) month period, the permittee has been convicted of or pleaded guilty to two (2) or more moving violations under the state Vehicle Code or has been determined by the department of motor vehicles (or equivalent public entity) to be at fault in two (2) or more vehicular accidents in any state.

~~F. F.~~ The permittee has tested positive for any of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations or for alcohol. For the purposes of this subsection, a "positive test for alcohol" means an alcohol screening test showing a breath alcohol concentration of more than 0.02 percent. Procedures for random testing and requirements for rehabilitation and for return to duty and follow up testing and other requirements shall be substantially as in part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations, (1962 Code § 6-14.400 et seq.; amd. Ord. 94-O-2191, eff. 2-18-1994, Ord. 99-O-2322, eff. 3-5-1999; Ord. 99-O-2340, eff. 1-7-2000)

~~7-4-307 : HEARING REQUIRED FOR 7-4-307; SUSPENSION OR REVOCATION OF PERMIT OR IMPOSITION OF SANCTIONS:~~

~~Prior~~ The provisions of Sections 7-4-207, 208, 209, and 211 shall apply to suspension or revocation of driver permits or sanction imposed on public transportation operator's permit or the imposition of sanctions, the permittee shall be notified in writing of the grounds for suspension, revocation, or sanctions, and a hearing shall be held thereon. Notice of the hearing shall be given to the permittee at least ten (10) days prior to such hearing. (1962 Code vehicle operators.

~~§ 6-14.400 et seq.)~~

~~7-4-308 : EMERGENCY TEMPORARY SUSPENSION OF PERMIT:~~

~~Where the conduct or activity of the permittee creates an imminent peril to the public health, welfare, or safety, the permit may be summarily suspended by the transportation official upon written notice to the permittee stating the basis for the suspension, provided further, any temporary emergency suspension shall not exceed fifteen (15) days pending a hearing under section 7-4-307 of this article. (1962 Code § 6-14.400 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994)~~

~~7-4-309 : DECISION ON SUSPENSION, REVOCATION, OR SANCTIONS:~~

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~~The decision of the transportation official shall be rendered within five (5) days of the hearing. The decision shall be in writing, and shall set forth the findings and reasons for the decision, and the licensee shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code. (1962 Code § 6-14.400 et seq.; amd. Ord. 93-O-2191, eff.~~

~~2-18-1994)~~

**7-4-310 : APPEAL TO TRAFFIC AND PARKING COMMISSION:**

~~Any final decision of the transportation official may be appealed to the traffic and parking commission under the procedure set forth in section 7-4-211 of this chapter. (1962 Code § 6-14.400 et seq.; amd. Ord. 93-O-2191, eff. 2-18-1994)~~

**7-4-311 7-4-308: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:**

~~The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The transportation official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of an operator's permit shall comply with such rules and regulations and any violation shall constitute a violation of this code subject to an administrative citation as provided by title 1, chapter 3, article 3 of this code or such other penalties as determined by the city prosecutor. (Ord. 10-O-2588, 10-22-2010)~~

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