05-O-0117

AN ORDINANCE

BY COUNCILMEMBER CEASAR C. MITCHELL

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ENTITLED "VEHICLES FOR HIRE", BY CREATING A NEW SECTION 162-120 TO BE ENTITLED "THE PARATRANSIT TAXI PROGRAM" [OR "THE WHEELCHAIR ACCESSIBLE TAXICAB PILOT PROGRAM"]; TO ESTABLISH THE RULES, REGULATIONS, REQUIREMENTS AND VEHICLE SPECIFICATIONS RELATED TO SAID PROGRAM; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, the Americans With Disabilities Act of 1990 (ADA) was enacted to address the problem of discrimination against individuals with disabilities in such critical areas as employment, public accommodation, public transportation and access to public services; and

Whereas ,there are approximately 54 million Americans with disabilities of which approximately twenty percent use wheelchairs; and

Whereas, most taxi service is operated in automobiles, which are exempt from ADA accessibility guidelines and are not equipped with lifts or ramps which would allow the passenger to be transported while remaining in his/her wheelchair; and

Whereas, studies show that there is a sizable population of mobility-challenged people who need curb-to-curb taxi service; and

Whereas, vehicles are currently on the market which are equipped with special-use capabilities and can be used as vehicles for hire in the transportation of passengers with special needs; and

Whereas, the cities of Chicago, San Francisco, San Diego, Boston, Los Angeles, Fort Lauderdale and Las Vegas require the inclusion of accessible taxicabs among their fleets of vehicles for hire; and

Whereas, the City of Atlanta has no such requirement; and

Whereas, the addition of such a requirement would allow the City's taxicab industry to better serve the City's mobility-challenged population who need and desire curb-to-curb taxi service.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Chapter 162 of the Code of Ordinances of the City of Atlanta, Georgia, entitled "Vehicles for Hire", is hereby amended by creating a new section 162-120, to be entitled "The Paratransit Taxi Program"**[or, see above]** which shall provide as follows:

"Sec. 162-120. The Paratransit Taxi Program.

(a) Purpose: The purpose of the Paratransit Taxi Program is to provide incentives, rules and regulations in order to be able to allow increased opportunity of accessibility to taxicab service to persons with disabilities on the same basis and at the same rates as those applicable to other taxicab customers.

(b) Definition: For purposes of this section, the term "wheelchair accessible taxicab" shall mean a vehicle which is either ADA compliant (Americans With Disabilities Act) or a vehicle which is equipped by the manufacturer with an integrated fold-down wheelchair ramp which provides access to mobility devices, wheelchairs and scooters normally used by mobility-challenged persons. Such vehicles shall be wheelchair accessible either by a rear door entry system or by a side door entry system with a ninety degree door opening capability and shall contain a universally compatible securing system that ensures safe and sound transportation of passengers while they are seated in their wheelchairs.

(c) Service; rates: All wheelchair accessible taxicabs shall provide a level of service, including but not limited to, response time, which is comparable to the level of service provided to persons without disabilities and at rates which are no higher than those charged to persons without disabilities

(1) A wheelchair accessible taxicab shall provide a minimum number of _____ rides per day **[or week]** to disabled persons needing such transportation.

(2) Wheelchair accessible taxicabs shall grant priority to requests for service from wheelchair users. In the absence of such requests for service, wheelchair accessible taxicabs may transport any person in accordance with the provisions of this chapter governing vehicles for hire.

(3) Each driver of a wheelchair accessible taxicab shall maintain verifiable trip sheets documenting the response to each request for wheelchair assisted taxicab transportation and shall maintain said trip sheets in accordance with section 162-78(a)(1) of this chapter.

(d) CPNC: The requirements for CPNC's issued pursuant to the Paratransit Taxi Program shall be as follows:

(1) Not more than 25 temporary CPNC's shall be issued by the bureau pursuant to this program. Said class of CPNC's shall only grant the holder thereof, a

temporary permit to participate in the program and the CPNC holder shall acquire no right of ownership in any such CPNC.

(2) The cost for each CPNC issued by the bureau shall be $5,000.00;

(3) No CPNC shall be issued pursuant to this section unless or until the applicant provides proof that he or she either owns or is leasing or purchasing a wheelchair accessible taxicab;

(4) CPNC's will be issued upon not less than two weeks' notice, on a first-come basis, at a date and time to be publicly announced by the bureau;

(5) CPNC's issued hereunder shall be issued for a period of five (5) years and shall be nontransferable. At the end of the five-year period, the CPNC's shall be returned to the City and the City reserves the right to determine whether the Paratransit Program will be continued and whether CPNC's will be renewed or reissued for the program.;

(6)Should the vehicle for which the CPNC was issued cease operation as a wheelchair accessible taxicab, the CPNC shall be surrendered to the bureau and the CPNC holder shall not be entitled to a refund of any portion of the cost paid for the temporary CPNC.

(e) Exterior advertising: In order to off-set the increased cost of wheelchair accessible taxicabs and to allow for supplemental revenues due to the restricted and specialized nature of the ridership population, wheelchair accessible taxicabs shall be permitted to display advertising material on the exterior body of the vehicle, provided, however, that such display materials shall not include advertising for any type of tobacco product, alcoholic beverages or any adult business as defined by City code section 16-29.001(3).

(f) Dispatch system: All wheelchair accessible taxicabs shall participate in a central dispatch system to ensure prompt service to people with disabilities. Response time shall not be greater than _____ minutes from the time the call for service is received. The costs of such a central dispatch system shall be assessed on a pro rata basis, upon those CPNC holders with wheelchair accessible taxicabs

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.