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Bill Farmer
Kevin Stinnett
K.C. Crosbie
Jay McChord
Peggy Henson

Staff:
Andrea James 258-3464

AGENDA

Public Safety Committee

January 10, 2012

1:00 p.m.

1. **Taxi Cab Ordinance –** **CM Lawless** **(1 – 31)**
2. **Emergency Management Long Range Strategic Plan – Public Safety Link Recommendation (FY12)** **(32 – 44)**
3. **Update on Items Referred to Committee** **(45)**

Future Committee Meetings

February 7
March 6
May 1
June 26
July 10
August 21
September 11
October 9
November 13
December 4

“Public Safety Committee, to which shall be referred matters relating to the Department of Public Safety and its related divisions.” Council Rules & Procedures, Section 2.102(1)

All taxicabs operated under the authority of this chapter shall be equipped with taximeters. The taximeters shall be fastened in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Taximeters shall be operated mechanically by a mechanism of standard design and construction, driven from the transmission or from one (1) of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a device to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to activate the taximeter at the time the taxicab is employed and to deactivate the taximeter at the termination of each trip. The meter shall be operated on a mileage basis except when the driver is instructed to wait or stopped in traffic, at which time the meter shall be operated on a time basis. Taximeters shall be subject to inspection from time to time by the division of police. Any inspector or other officer of the division of police is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Any taxicab ordered to cease operation shall be kept off the highways until the taximeter is repaired and operates in accordance with this chapter.

In the event that a law enforcement officer conducts a probable cause traffic stop on a taxicab while transporting a fare, the fare shall not be assessed fees during the duration of the traffic stop.

Section 14 – That Section 18A-17 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the rates on file with the commissioner of finance. The owner must file his rate with the Commissioner of Finance [commissioner of finance] and also post the rates on or in each taxicab so that they are clearly visible to passengers. Three (3) days prior to raising his rates, he must post notice in his taxicabs and file notice with the Commissioner of Finance [commissioner of finance]. All rate cards posted in accordance with this section shall contain the following language: "No rates other than those set forth on this card shall be charged."

ORDINANCE _____

AN ORDINANCE AMENDING SECTIONS 18A-1, 18A-2, 18A-3, 18A-4, 18A-5, 18A-7, 18A-8, 18A-9, 18A-10, 18A-11, 18A-13, 18A-14, 18A-15, 18A-16, 18A-17, 18A-18, 18A-20, 18A-21, AND 18A-24, RENUMBERING 18A-25 AS 18A-26 AND AMENDING SAME, AND CREATING 18A-25 OF THE CODE OF ORDINANCES, RELATING TO VEHICLES FOR HIRE TO: CORRECT CAPITALIZATION; BROADEN WHAT IS INCLUDED AS COMPENSATION IN THE DEFINITION OF "TAXICAB"; DEFINE "FARE"; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO HEAR APPEALS OF DENIALS OF TAXICAB PERMITS; REDUCE THE NUMBER OF VEHICLES IN A FLEET REQUIRED FOR A PERMIT TO TEN (10); REQUIRE THAT CHANGES IN THE NUMBER OF VEHICLES BE REPORTED; INCREASE THE FEE FOR A DRIVER TO TRANSFER TO ANOTHER COMPANY TO FIFTEEN DOLLARS (\$15), REQUIRE THAT THE DRIVER REPORT THE TRANSFER WITHIN TEN (10) CALENDAR DAYS, AND PROVIDE FOR SUSPENSION OF THE DRIVER'S PERMIT IF THE DRIVER FAILS TO REPORT THE TRANSFER; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO ACCEPT APPLICATIONS FOR DRIVERS' PERMITS; INCREASE THE APPLICATION FEE FOR A DRIVER'S PERMIT TO TWENTY-FIVE DOLLARS (\$25); PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO HEAR AN APPEAL IF AN APPLICATION FOR A DRIVER'S PERMIT IS REJECTED AND REQUIRE THAT SUCH A HEARING BE REQUESTED WITHIN FOURTEEN (14) DAYS OF THE REJECTION; INCREASE THE NUMBER OF DAYS A DRIVER'S PERMIT MAY BE SUSPENDED BY THE CHIEF OF POLICE TO THREE HUNDRED SIXTY-FIVE (365) AND REQUIRE THAT A HEARING BEFORE THE COMMISSIONER OF PUBLIC SAFETY OR HIS DESIGNEE CONCERNING SUSPENSION OR REVOCATION OF A DRIVER'S PERMIT BE REQUESTED WITHIN FOURTEEN (14) DAYS; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO SUSPEND OR REVOKE A DRIVER'S PERMIT FOR FAILURE TO COMPLY WITH URBAN COUNTY, STATE OR FEDERAL LAWS; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH RANDOM INTERVALS FOR INSPECTION OF VEHICLES; PROVIDE THAT MAGNETIC PLACARDS ARE NOT CONSIDERED TO BE PERMANENTLY AFFIXED TO A VEHICLE FOR IDENTIFICATION PURPOSES; REQUIRE THAT A VEHICLE NOT MEETING THE REQUIREMENTS FOR VEHICLE IDENTIFICATION TO BE TAKEN OUT OF SERVICE UNTIL IT IS IN COMPLIANCE; INCREASE TO SEVEN (7) DAYS THE TIME BY WHICH A VEHICLE WITH A MODIFIED DESIGN FOR A SPECIAL EVENT MUST BE RETURNED TO ITS ORIGINAL COLOR SCHEME AND INSIGNIA; PROVIDE THAT DURING A TRAFFIC STOP BY LAW ENFORCEMENT, A FARE SHALL NOT BE ASSESSED FEES DURING THE DURATION OF THE TRAFFIC STOP; REQUIRE THAT THE NAME OF THE DRIVER APPEAR ON A RECEIPT; REQUIRE THE DIVISION OF POLICE TO ISSUE A CITATION UPON DISCOVERING A VIOLATION OF CHAPTER 18A; PERMIT LAW ENFORCEMENT TO CONDUCT RANDOM COMPLIANCE INSPECTIONS ON TAXICABS WHEN A TAXICAB IS OCCUPIED ONLY BY THE OPERATOR, REQUIRE THE OFFICER TO ISSUE A CITATION IF VIOLATIONS ARE FOUND, REQUIRE THAT THE TAXICAB BE PLACED OUT OF SERVICE IF THE VIOLATIONS CANNOT BE IMMEDIATELY REMEDIED, PROVIDE THAT ONLY THE COMMISSIONER OF PUBLIC SAFETY OR A DESIGNEE MAY PLACE A TAXICAB BACK

INTO SERVICE, REQUIRE THE DRIVER TO SECURE ALTERNATE TRANSPORTATION FOR A FARE IF A FARE IS PRESENT WHEN A TAXICAB IS TAKEN OUT OF SERVICE, AND PROVIDE THAT A FARE SHALL NOT BE RESPONSIBLE FOR ANY FEES INCURRED UP TO THE POINT OF THE TAXICAB BEING PLACED OUT OF SERVICE; AND INCREASE THE MINIMUM FINE TO ONE HUNDRED DOLLARS (\$100) AND PERMIT IMPRISONMENT FOR UP TO THIRTY (30) DAYS FOR VIOLATION OF THE PROVISIONS OF CHAPTER 18A.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 18A-1 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(1) *Certificate* means a certificate of public convenience and necessity issued by the Transportation Cabinet, Commonwealth of Kentucky, authorizing the holder thereof to conduct a taxicab business.

(2) *Driver's permit* means the permission granted by the Commissioner of Public Safety [~~commissioner of public safety~~] to a person to drive a taxicab upon the streets of [the] Lexington-Fayette County [~~urban county~~].

(3) *Holder* means a person to whom a certificate of public convenience and necessity or a local taxicab permit has been issued.

(4) *Manifest* means a daily record prepared by a taxicab driver of all trips made by said driver, showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(5) *Rate card* means a card approved by the Commissioner of Finance [~~commissioner of finance~~] and issued by the owner of the taxicab for display in each taxicab which contains the rates of fare then in force.

(6) *Taxicab* means any motor vehicle providing transportation within Fayette County that accepts any form of compensation, including but not limited to, per time or per distance rates, tips, donations, money for fuel, or an exchange of goods for service [~~accepting tips, donations, gas money or any other form of compensation~~]. This section shall not apply to carpooling situations by private citizens or any local, state or federal ridesharing program, nor to any motor vehicle that is otherwise regulated by the Transportation Cabinet through a non-taxicab related certificate of convenience and necessity. .

(7) *Local taxicab permit* means a permit issued by the Department of Public Safety [~~department of public safety~~] authorizing the holder thereof to conduct a taxicab business in Lexington-Fayette [~~the urban~~] county.

(8) *Special event permit* means a permit issued by the Department of Public Safety [~~department of public safety~~] authorizing the holder of a local taxicab permit to modify its vehicle identification scheme for all or part of its taxicab fleet for a specified period of time and for the purpose of advertising a special event located within the boundaries of Fayette County.

(9) *Fare* means any person or group of people being transported in a taxicab.

Section 2 – That Section 18A-2 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The Commissioner of Public Safety [~~commissioner of public safety~~] or his designee shall exercise all administrative functions of the urban county in relation to the operation of vehicles for hire regulated under this chapter. The commissioner or his designee shall have the authority to promulgate such rules and regulations as are necessary for the orderly and completed administration of this chapter. The Department of Public Safety [~~department of public safety~~] shall notify all local taxicab permit holders of any change to the rules and regulations sixty (60) calendar days before their effective date.

Section 3 – That Section 18A-3 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire on the streets of the urban county without having first obtained a local taxicab permit from the Department of Public Safety [~~department of public safety~~]. The Chief of Police [~~chief of police~~] or his designee shall, upon consideration of an application for a local taxicab permit, approve or reject the application. If the application is rejected, the Chief [~~chief~~] or his designee shall state his reasons in writing. The applicant may request a hearing before the Commissioner of Public Safety [~~commissioner of public safety~~] or his designee to offer evidence why his application should be reconsidered.

All persons previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky to operate a taxicab business in the

urban county shall automatically be issued a local taxicab permit for the number of vehicles in effect on the date the urban county government is granted regulatory authority from the Transportation Cabinet, Commonwealth of Kentucky. No local taxicab permit shall be issued if the vehicles do not meet the safety requirements set forth in this chapter. All persons applying for or renewing a local taxicab permit shall have a minimum of ten (10) ~~[twenty-five (25)]~~ taxicabs in their fleet before a local taxicab permit shall be issued unless the applicant was previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky, for a fleet of less than the minimum requirement for this chapter. Upon addition or removal of vehicles, the manager/owner of each company shall also report the changes to the Public Safety Commissioner or his designee.

Local taxicab permits shall be renewed annually each fiscal year, effective July 1, 2012.

Local taxicab permits shall not be sold, transferred or leased without the written authorization of the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~. All persons desiring to obtain a local taxicab permit by sale, transfer or lease shall comply with the provisions of this chapter.

Out of county taxicabs shall be permitted to deliver passengers to a destination in Fayette County and transport the passengers back to their original starting point without a local taxicab permit. Out of county taxicabs shall be prohibited from accepting fares which originate within the boundaries of Fayette County.

Privately owned businesses may establish a trolley or shuttle service within their parking lots to transport their customers without a local taxicab permit. The trolley or shuttle service shall be limited to the privately owned businesses parking lots and shall not be allowed on the public right-of-way except to cross the public right-of-way in order to access additional established parking lots within a one-mile radius of each other.

Prior to operating a trolley or shuttle service, written notification shall be submitted to the Department of Public Safety ~~[department of public safety]~~ requesting permission to operate the service, listing the location and route of the service, hours of operation and the fee to be charged, if any. The written request to operate the service shall be made annually.

Section 4 – That Section 18A-4 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Prior to receiving or renewing a local taxicab permit, a holder or applicant shall file with the Commissioner of Public Safety ~~[commissioner of public safety]~~ or his designee, upon forms provided by the urban county government, the following information:

- (1) The name and address of the holder.
- (2) The experience of the holder in the transportation of passengers.
- (3) The number of vehicles operated or controlled by the holder and the location of terminals.
- (4) The color scheme and insignia used to designate the vehicle or vehicles of the holder.
- (5) Procedures for handling claims for loss, damage or injury.
- (6) Proof of liability insurance or indemnity bond as required by section 18A-5.
- (7) A current list containing the name, address, age, and operator's license number of each taxicab driver who is employed by or a lessee of the holder. Any change in the list of drivers shall be updated monthly and provided to the Commissioner of Public Safety ~~[commissioner of public safety]~~ or his designee.
- (8) Such further information as the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ may require.

Section 5 – That Section 18A-5 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

No person shall operate or cause to be operated a taxicab in the urban county unless there is in full force and effect an indemnity bond for each vehicle authorized. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Said bond or bonds shall be filed in the office of the Commissioner of Finance and shall have as surety thereon a company authorized to do business in the State of Kentucky and the urban county. Compliance with KRS 281.655 shall be deemed compliance with this section by the Commissioner of Finance.

The Commissioner of Finance ~~[commissioner of finance]~~ may, in his discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by a liability insurance company authorized to do business in the Commonwealth of Kentucky and the urban county. Said policy shall conform to the provisions of this section relating to bonds.

In the event that the holder's liability insurance is cancelled, notice of cancellation of the insurance by the insurer shall be submitted to the Department of Public Safety [~~department of public safety~~] by either the insured or the insurer. Once the liability insurance is reinstated, a new certificate of insurance shall be filed with the Commissioner of Finance [~~commissioner of finance~~].

Section 6 – That Section 18A-7 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

No person shall operate a taxicab for hire upon the streets of the urban county, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the urban county government shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this chapter.

A taxicab driver's permit shall only be valid while the holder thereof is driving for the taxicab company indicated on the front of the permit. Any driver who wishes to transfer from one (1) company to another shall be required to notify the Department of Public Safety [~~department of public safety~~] and pay a fifteen dollar (\$15) [~~ten dollar (\$10.00)~~] transfer fee. The driver shall also report the transfer to the Commissioner of Public Safety or his designee within ten (10) calendar days of occurrence. Failure of a driver to report a permit transfer within the specified time period shall result in the suspension of his driver's permit for not less than seven (7) days nor more than thirty (30) calendar days.

Section 6 – That Section 18A-8 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

(a) An application for a taxicab driver's permit shall be filed with the Commissioner of Public Safety or his designee [~~commissioner of public safety~~] on forms provided by the urban county government, and such application shall be verified under oath and shall contain the following information:

(1) The names and addresses of four (4) persons who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.

(2) The educational background of the applicant.

(3) A concise history of his employment.

(b) The holder of the permit under which the applicant will operate shall verify the applicant's employment history and contact all personal references. The holder shall also verify that it has no information that the applicant abuses alcohol or drugs or has violent tendencies or otherwise poses a safety risk to the public.

(c) The applicant shall provide with his application copies of accident reports for any accident in which he has been involved and a certificate from a reputable physician of the urban county certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

(d) At the time the application is filed, the applicant shall pay the sum of twenty-five dollars (\$25.00) [~~twenty dollars (\$20.00)~~]. The applicant must be eighteen (18) years of age or older, have a current motor vehicle operator's license and must have had a valid operator's license for at least one (1) year.

Section 7 – That Section 18A-9 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The Division of Police [~~division of police~~] shall conduct a criminal records investigation of each applicant for a taxicab driver's permit; and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police or his designee for this issuance of a permit [~~commissioner of public safety~~].

Section 8 – That Section 18A-10 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The Chief of Police [~~chief of police~~] or his designee shall, upon consideration of the application for a taxicab driver's permit and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the chief or his designee must state his reasons in writing. The applicant may request a hearing before the Commissioner of Public Safety or his designee [~~commissioner of public safety~~] to offer evidence why his application should be reconsidered. The applicant must request this hearing within fourteen (14) calendar days of the date appearing on the letter of rejection. If the hearing is not requested within this time period, the rejection shall remain in place until the applicant is able to reapply as shown on the written rejection.

Section 9 – That Section 18A-11 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Upon approval of an application for a taxicab driver's permit, the Commissioner of Public Safety or his designee [~~commissioner of public safety~~] shall issue a permit to the applicant, which shall bear the name, address, age, signature and photograph of the applicant and the taxicab company.

Such permit shall be in effect for the remainder of the fiscal [~~calendar~~] year. The permit for every fiscal [~~calendar~~] year thereafter shall be issued upon payment of twenty dollars (\$20.00) unless the permit for the preceding year has been revoked or suspended. The driver shall also renew his annual business license with the LFUCG Division of Revenue.

Section 10 – That Section 18A-13 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The Chief of Police [~~chief of police~~] or his designee is hereby given the authority to suspend any driver's permit under this chapter for a driver's failing or refusing to comply with the provisions of this chapter, such suspension to last for a period of up to three hundred and sixty-five (365) calendar days [~~no more than thirty (30) days~~]. The Chief of Police [~~chief of police~~] or his designee is also given authority to permanently revoke any driver's permit for failure to comply with the provisions of this chapter. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to request a hearing before the Commissioner of Public Safety or his designee to present evidence on [~~in~~] his behalf. A decision to suspend or revoke, and the duration of such a suspension or revocation shall be based upon the number and type of provision(s) for which compliance was not met, their relative severity, and whether the driver has repeatedly failed to meet any compliance requirements.

If taxicab permit is suspended or revoked, the Chief of Police [~~chief of police~~] or his designee must state his reasons in writing. The driver may request a hearing before the Commissioner of Public Safety or his designee [~~commissioner of public safety~~] to offer evidence why his driver's permit should not be suspended or revoked. The applicant must request this hearing within fourteen (14) calendar days of the date appearing on the letter of suspension or revocation. If the hearing is not requested within this time period, the suspension or revocation shall remain in place

until the applicant is able to reapply as shown on the written suspension or revocation.

Section 11 – That Section 18A-14 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Every driver issued a permit under this chapter shall comply with all urban county, state and federal laws. Failure to do so will justify the suspension or revocation of a permit in accordance with section 18A-13.

Section 12 – That Section 18A-15 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

(a) *Periodic Safety inspections.* Every vehicle operating under this chapter may be periodically inspected by an [the] urban county government official at such random intervals as shall be established by the Commissioner of Public Safety or his designee [~~commissioner of public safety~~] to ensure the continued maintenance of safe operating conditions.

(b) *Vehicles must be kept in a clean and sanitary condition.* Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the health department.

(c) *Bi-Annual inspection.* Every vehicle operating under this chapter shall be inspected bi-annually by an automotive technician who holds a valid automotive service excellence (A.S.E.) certificate approved by the Transportation Cabinet, Commonwealth of Kentucky and is not employed by holder of the local taxicab permit. Bi-annual inspections shall be conducted with a minimum of six (6) months between inspections. Fees associated with the bi-annual inspections shall be the responsibility of the registered owner of the vehicle. Proof of bi-annual inspections shall be filed with the [~~department of public safety~~] Department of Public Safety within ten (10) days of the inspections and a sticker indicating when the inspection occurred shall be visible in the taxicab. [~~at the time of application or renewal of a local taxicab permit. A local taxicab permit shall be issued or renewed following a satisfactory inspection~~].

(d) *Vehicle identification.* Every vehicle operating under this chapter shall be painted in accordance with the color scheme and insignia on file with the Commissioner of Public Safety [~~commissioner of public safety~~]. All identifying markings on the vehicles shall be plainly distinguishable [~~in~~] with letters and

numbers at least three (3) inches high permanently painted or otherwise permanently affixed to each of the two (2) sides of the taxicab and to the rear of the taxicab (magnetic placards are not considered to be permanently affixed). The lettering shall show the vehicle number assigned to it by its owner [~~or operator~~] and the name of the company, individual or association by whom the vehicle is owned. [~~or operated.~~] In addition, a light shall be placed on top of the vehicle identifying it as a taxi. Failure to comply with this section upon any type of inspection of a vehicle shall result in a citation for violation of this ordinance to be issued to the driver and the vehicle shall be taken out of service until it is in compliance with this ordinance. Once taken out of service, only the Commissioner of Public Safety or his designee can place the vehicle back into service.

(1) Upon written request to the D[~~e~~]partment of P[~~u~~]blic S[~~e~~]afety, the holder of local taxicab permit may be granted a special event permit. The written request shall include the requested timeframe for the permit and the proposed design. The name of the taxicab company shall be prominently displayed on the sides and the rear of the vehicles. Upon the expiration of said permit, all vehicles with a modified identification scheme shall, within seven (7) calendar [~~five (5) business~~] days, be returned to the original color scheme and insignia approved pursuant to the local taxicab permit.

(e) *Out of service.* If a vehicle operating under this chapter fails to pass a random safety inspection, the vehicle shall be deemed out of service. An official of the urban county government [~~the division of fleet services~~] shall place a [green] sticker in the front window indicating that the vehicle is out of service. The vehicle shall remain out of service until it passes an inspection conducted by an automotive technician, who is an official of the urban county government [~~in the division of fleet services~~], who holds a valid automotive service excellence (A.S.E.) certificate approved by the Transportation Cabinet, Commonwealth of Kentucky. Upon successful inspection, the division of fleet services shall remove the out of service sticker. Unauthorized removal of the sticker is prohibited and shall [~~may~~] result in suspension or revocation of the driver's taxi permit or the holder's permit. Out of service vehicles shall not remain on the premises of the holder of the local taxicab permit for longer than thirty (30) calendar days.

Section 13 – That Section 18A-16 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

All taxicabs operated under the authority of this chapter shall be equipped with taximeters. The taximeters shall be fastened in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Taximeters shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one (1) of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a device to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to activate the taximeter at the time the taxicab is employed and to deactivate the taximeter at the termination of each trip. The meter shall be operated on a mileage basis except when the driver is instructed to wait or stopped in traffic, at which time the meter shall be operated on a time basis. Taximeters shall be subject to inspection from time to time by the division of police. Any inspector or other officer of the division of police is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Any taxicab ordered to cease operation shall be kept off the highways until the taximeter is repaired and operates in accordance with this chapter.

In the event that a law enforcement officer conducts a probable cause traffic stop on a taxicab while transporting a fare, the fare shall not be assessed fees during the duration of the traffic stop.

Section 14 – That Section 18A-17 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the rates on file with the commissioner of finance. The owner must file his rate with the Commissioner of Finance [~~commissioner of finance~~] and also post the rates on or in each taxicab so that they are clearly visible to passengers. Three (3) days prior to raising his rates, he must post notice in his taxicabs and file notice with the Commissioner of Finance [~~commissioner of finance~~]. All rate cards posted in accordance with this section shall contain the following language: "No rates other than those set forth on this card shall be charged."

Section 15 – That Section 18A-18 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by mechanically printed receipt or by a specially prepared receipt on which shall be the name of the taxi company, name of the driver, license plate number or motor number, and date of transaction.

Section 16 – That Section 18A-20 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

It shall be a violation of this chapter for any driver of a taxicab to engage in selling intoxicating liquors, or to promote prostitution or permit the vehicle to be used for any [an] unlawful purpose.

Section 17 – That Section 18A-21 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

All persons engaged in the taxicab business in the urban county operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs and shall offer service to all geographic locations of the urban county. Holders of local taxicab permits shall maintain a central place of business in the urban county for two-way communication and dispatch of taxicabs [~~and shall offer twenty-four (24) hour service~~]. The central place of business shall be in compliance with the zoning ordinance for the urban county. They shall answer all calls received by them for services inside the boundaries of the urban county as soon as they can do so; and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere within the boundaries of the urban county when such holder has available cabs, or who shall fail or refuse to give overall service, or any driver or independent contractor operating pursuant to a holder's local taxicab permit who refuses to accept a call anywhere within the boundaries of the urban county area, shall be deemed a violator of this chapter.

No driver shall refuse or neglect to transport any orderly person, upon request, unless previously engaged. A driver may

refuse to transport any person who has failed to pay the legal fare of any previous trip or service provided to such by such driver or the operator for whom such driver works. No driver shall deceive or attempt to deceive any passenger who may ride in his taxicab or who may desire to ride in such taxicab, as to his destination or the rate or fare to be charged, or transport or cause him to be transported to a place other than directed by the passenger. No driver shall take a longer route than necessary, unless so requested by the passenger. Every taxicab driver shall comply with all reasonable and lawful requests of his passengers as to the speed of travel and the route to be taken.

All drivers shall be required to post picture identification, visible to all fares, in their taxicabs.

Section 18 – That Section 18A-24 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The Division of Police [~~division of police~~] of the urban county government is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the division of police shall issue a citation and report the same to the Commissioner of Public Safety or his designee [~~commissioner of public safety~~], who will order or take appropriate action.

Section 19 – That Section 18A-25 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is renumbered as 18A-26 and is amended to read as follows:

Failure to comply with the provisions of this chapter shall constitute a violation. Any person who so violates this article, fails to comply with any of its requirements, or files or maintains fraudulent annual inspection records relating to this chapter shall upon conviction thereof be fined no less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250.00) or be imprisoned for not less than one (1) day nor more than thirty (30) days or both for each offense. Each day shall constitute a separate violation.

The Commissioner of Public Safety or his designee [~~commissioner of public safety~~] shall revoke or permanently deny a local taxicab permit to any holder or applicant who willfully and intentionally files a fraudulent annual inspection record.

Section 20 – That Section 18A-25 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is created to read as follows:

Any Law Enforcement Officer able to enforce LFUCG ordinances shall be permitted to conduct random compliance inspections on taxicabs for violations of Chapter 18A, when the taxicab is occupied by only the operator. When a taxicab is occupied by a fare, law enforcement officers shall refrain from stopping a taxicab for the sole purpose of conducting a compliance inspection. Nothing in the section shall limit an officer from conducting a compliance inspection during a lawful, probable cause, traffic stop. Probable cause for a traffic stop for the sole purpose of a compliance inspection is not necessary. Upon inspection of a taxicab, the law enforcement officer shall issue a citation if there are violations of ordinances. If the violations can not immediately be remedied, the taxicab shall be placed out of service by the citing officer. Once taken out of service, only the Commissioner of Public Safety or his designee can place the vehicle back into service.

If a taxicab is taken out of service by a law enforcement officer when a fare is present, the driver of the taxicab shall be responsible for securing alternate transportation for the fare. As the taxicab and its driver were not in compliance with the Code of Ordinances, the fare shall not be responsible for any fees incurred up to the point of the taxicab being placed out of service.

Section 21 – That this Ordinance shall become effective upon its date of passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

281.655 Bond or insurance policy.

- (1) Before any certificate or permit will be issued or renewed, the applicant or holder of the certificate or permit shall file or shall have on file with the department an approved indemnifying bond or insurance policy issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until canceled under proper notice. The bond or policy shall have attached thereto the state insurance endorsement. All bonds or policies required herein shall be issued in the name of the holder of the certificate or permit. In lieu of the bond or policy, the department, under appropriate regulations, may require the filing of an approved certificate of insurance, the term of which shall be continuous and shall remain in force and effect until canceled under proper notice.
- (2) The bond or policy required of a U-Drive-It or automobile utility trailer lessor shall provide public liability and property damage coverage when operated either by the lessee or lessor thereof or agents, servants, or employees of either.
- (3) All bonds or policies shall provide blanket coverage for all equipment operated pursuant to the certificate or permit.
- (4) Except as provided in subsection (12) of this section, the types and minimum amounts of insurance to be carried on each vehicle shall be as follows:

MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS,
INCLUDING U-DRIVE-ITS

Capacity	Death of or Injury to Any One Person	Total Liability for Death of or Injury to Persons	Property Damage	
7 persons or less		\$10,000.00	\$20,000.00	\$5,000.00
8 to 16 inclusive		10,000.00	30,000.00	5,000.00
17 to 25 inclusive		10,000.00	40,000.00	5,000.00
26 or more	10,000.00	50,000.00	5,000.00	

MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY,
INCLUDING U-DRIVE-ITS AND AUTOMOBILE UTILITY
TRAILERS

Gross Weight	Death of or Injury to Any One Person	Total Liability for Death of or Injury to Persons	Property Damage	
18,000 lbs. or less		\$10,000.00	\$20,000.00	\$5,000.00
More than 18,000 lbs.		100,000.00	300,000.00	50,000.00

- (5) Any person, firm, or corporation operating or causing to be operated any vehicle for the transportation of petroleum or petroleum products in bulk in amounts less than ten thousand (10,000) pounds shall have the following types and minimum amount of insurance carried on each vehicle:

Death of or Injury	Total Liability for Death
-----------------------	------------------------------

to Any One Person	of or Injury to Persons	Property Damage
\$100,000.00	\$300,000.00	\$50,000.00

- (6) Any person, firm, or corporation operating or causing to be operated any vehicle for the transportation of hazardous material as defined in KRS 174.405, except petroleum or petroleum products in bulk in amounts less than ten thousand (10,000) pounds, shall have on each vehicle single limits liability insurance coverage of not less than one million dollars (\$1,000,000) for all damages whether arising out of bodily injury or damage to property as a result of any one (1) accident or occurrence.
- (7) Before any Kentucky intrastate household goods motor carrier of property shall be issued a certificate or renewal of a certificate, the motor carrier shall file or have on file with the department an approved insurance policy or bond compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service:
- (a) For loss of or damage to property carried on any one (1) motor vehicle in the amount of five thousand dollars (\$5,000); and
 - (b) For loss of or damage to or aggregate of losses or damages of or to property occurring at any one (1) time and place in the amount of ten thousand dollars (\$10,000).

The policy or bond shall have attached thereto the Kentucky cargo policy endorsement and shall be issued by some insurance or surety company authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until canceled under proper notice. In lieu of the bond or policy, the department, under appropriate regulations, may require the filing of an approved certificate of insurance, the term of which shall be continuous and shall remain in force and effect until canceled under proper notice.

- (8) The department may by regulation require motor carriers for hire operating exclusively in interstate commerce to file proof of cargo insurance coverage in the form and in the amounts the commissioner deems advisable.
- (9) No insurance company or insurance carrier issuing any policy filed with the department, and no surety or obligor on any bond or contract filed with the department, shall be relieved from liability under the policy, bond, or contract until after the expiration of fifteen (15) days' notice to the department of an intention to cancel the policy, bond, or contract. A prior cancellation may be allowed in cases where one (1) policy, bond, or contract is substituted for another policy, bond, or contract if the substituted policy, bond, or contract is of force and effect at a time prior to the expiration of fifteen (15) days' notice to the department of an intention to cancel the policy, bond, or contract for which the additional policy, bond, or contract is being substituted. The acceptance of any notice of an intention to cancel any policy, bond, or contract or the cancellation of any policy, bond, or contract by the department, unless under the circumstances set forth, shall not relieve the

insurance company, insurance carrier, surety, or obligor of any liability that accrued prior to the effective date of the cancellation.

- (10) Upon the cancellation of any bond or insurance policy required by this section, all operating rights granted by the certificate or permit for which the bond or policy was filed, shall immediately cease, and the department may immediately require the cessation of all operations conducted under authority of the certificate or permit, and may require the surrender of all certificates, permits, licenses, and other evidence of a right to act as a motor carrier.
- (11) The department may exempt in whole or in part from the requirements of this section any person who applies for the exemption and shows to the satisfaction of the department that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he may become liable as a result of the operation of any vehicle owned by him or operated under authority of his certificate or permit.
- (12) The minimum amounts of insurance to be carried on each taxicab shall be liability coverage of not less than twenty-five thousand dollars (\$25,000) for all damages arising out of bodily injury sustained by any one (1) person, and not less than fifty thousand dollars (\$50,000) for all damages arising out of bodily injury sustained by all persons injured as a result of any one (1) accident, plus liability coverage of not less than ten thousand dollars (\$10,000) for all damages arising out of damage to or destruction of property, including the loss of use thereof, as a result of any one (1) accident arising out of ownership, maintenance, use, loading, or unloading of the insured vehicle.
- (13) The provisions of this section notwithstanding, the Secretary of Transportation may adopt, incorporate by reference, or set forth in its entirety the provisions of Title 49, United States Code of Federal Regulations, Part 387, relating to the levels of financial responsibility for motor carriers, in effect as of July 13, 1990, or as amended after that date, with respect to any motor carrier operating in Kentucky.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 174, sec. 9, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 80, sec. 1, effective July 13, 1990; and ch. 466, sec. 4, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 4, sec. 1, effective July 15, 1988; and ch. 73, sec. 1, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 384, sec. 8, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 317, sec. 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(2). -- Amended 1966 Ky. Acts ch. 139, sec. 27. -- Amended 1960 Ky. Acts ch. 139, sec. 7. -- Amended 1956 (2nd Extra. Sess.) Ky. Acts ch. 7, sec. 5. -- Amended 1954 Ky. Acts ch. 63, sec. 1. -- Amended 1952 Ky. Acts ch. 19, sec. 2. -- Created 1950 Ky. Acts ch. 63, sec. 18, effective June 15, 1950.

281.910 Local government authority over regulation of taxicabs -- Adoption -- Ordinance -- Review by cabinet -- Revocation of authority.

- (1) As used in this section, "local government" means the governing body of:
 - (a) A consolidated local government organized under KRS Chapter 67C; or
 - (b) An urban-county government organized under KRS Chapter 67A.
- (2) Notwithstanding any other provision of this chapter, a local government that complies with the requirements of this section may be granted authority over the regulation of taxicabs in that local government's jurisdiction.
- (3) A local government that desires to regulate taxicab service within its jurisdiction shall:
 - (a) Adopt a resolution by October 1 of any given year expressing its intent to exercise regulatory authority over taxicabs and requesting that the Transportation Cabinet grant the local government regulatory authority over taxicabs; and
 - (b) Enact an ordinance by January 1 of the following year pursuant to subsection (4) of this section and submit it to the cabinet for approval pursuant to subsection (5) of this section.
- (4) A local government that desires to regulate taxicab service within its jurisdiction shall adopt an ordinance regarding the regulation of taxicabs which addresses the following areas of public comfort, safety, and convenience:
 - (a) A local taxicab permit system to ensure the safety and road worthiness of each taxicab as outlined in KRS 281.912, including inspection requirements, out-of-service criteria, and penalties for submitting fraudulent service records. All taxicabs operated under this section shall be required to be registered and display registration plates under the provisions of KRS Chapters 186 and 186A;
 - (b) A local taxicab driver permit system to ensure the fitness of drivers, including criminal background checks, display of permits, and revocation or suspension of local driver permits. All drivers of taxicabs operated under this section shall be required to possess a motor vehicle operator's license under the provisions of KRS Chapter 186;
 - (c) Rates and fares, and receipts therefor;
 - (d) Procedures for considering applications from a permit holder to change the number of taxicabs that a taxi permit holder has in operation;
 - (e) Procedures for the sale, transfer, and leasing of taxicab permits;
 - (f) Routes and areas of service, including changes of route or abandonment of service areas;
 - (g) Dispatching of taxicabs;
 - (h) Bonding and liability insurance requirements which shall not be less than those requirements in KRS 281.655(4);
 - (i) Handling of claims for loss, damage, or injury;

- (j) Fees to be paid by taxicab permit holders;
 - (k) Record keeping required by permit holders and drivers, including trip records;
 - (l) Hearing and appeals processes;
 - (m) Taxicab permit renewal procedures;
 - (n) Competition in the market; and
 - (o) Penalties for the operation of unlicensed taxicabs, and for any other violations.
- (5) Before granting a local government's request to regulate taxicab service, the cabinet shall review the ordinance passed by the local government and determine that the required elements of subsection (4) of this section are properly addressed. If the cabinet determines that the ordinance meets the requirements of subsection (4) of this section, the cabinet shall grant regulatory authority over taxicab service in that jurisdiction to the local government.
- (6) If, at any time, the cabinet determines that a local government granted regulatory control over taxicab service under this section is not providing adequate control over that service, the cabinet may revoke the regulatory authority it granted to the local government under this section.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 274, sec. 9, effective July 15, 2002.

Yellow Cab's Recommendations for LFUCG Taxi-Cab Ordinances

Improvements to ensure public safety, reliability and professionalism

When it comes to transportation, our #1 goal is to provide a safe ride to our customers while promoting a positive image of the city, especially to visitors. We believe there are several changes the city of Lexington should consider to increase rider safety, provide a positive city image and ensure there are no operations that could endanger riders or the city's reputation. Also, we believe the current standard of 25 cabs is not a barrier to new companies since we have had 5 cab companies operate with 25 cabs over the last 5 years; All American Cab, American Taxi, Mr. Taxi, Discount Cab and Yellow/Wildcat Cab.

We look forward to working with the Lexington-Fayette Urban County Government (LFUCG) to implement the following ordinances to protect the customer as well as the city.

1. Safety

- **Sec 18A-8** The city ordinance needs to require that all cab drivers permitted in the city of Lexington have been properly screened through the National Sex Offenders list and the National Child Abuse Registry. This will ensure that dangerous drivers are not permitted to operate inside Lexington. The ordinance should also address the number of felony convictions within the last 5 years and misdemeanor convictions in the last year.
- **Sec18A-14 paragraph (d)** the city ordinance needs to require that all Taxis operating in Lexington have a lighted top sign that identifies them as a taxi cab. This will help ensure that gypsy cabs are not operating on the streets of Lexington.
- **New** The city ordinance needs to require that all taxi drivers be subject to random drug and alcohol testing. This will ensure that vehicles are not being operated by impaired drivers.
- **Sec 18A-14 paragraph (c)** The city needs to inspect all cabs twice a year and issue an inspection sticker as proof of inspection. This sticker will be required for a cab to stay in operation. This will ensure that all cabs are safe and dependable. This inspection would be similar to the one that Rick Curtis observed when he visited Louisville to see their inspection process.
- **Sec 18A-4** LFUCG should be listed as a certificate holder on all taxi cab companies' insurance policies and require that they be notified of all modifications and/or cancelations.

2. Customer Service & Professionalism

- **Sec 18A-20** the city ordinance states a cab company must offer 24-hour dispatch service. This needs to additionally state that the dispatch center must not be operated by a cab driver but an employee of the cab company. This will ensure that passengers receive adequate customer service at any time of the day.
- **New** To ensure professionalism with cab drivers, the city ordinance should implement a dress code for all permitted drivers. This would include, but not be limited to: dress slacks, a collared shirt, and closed toe shoes.
- **New** Lexington currently offers a “Tourism Ambassador” program through the Lexington Convention and Visitors Bureau. This program should be mandatory for all cab drivers to ensure they know the city, how to treat customers and can provide useful information to visitors.
- **Sec 18A-16** Lexington should establish a “common rate of fare”. Most cities set taxi fare rates at the city level to ensure all citizens and visitors are treated fairly.
- **New** Lexington should require all cab companies to offer the public wheelchair accessible cabs. This number would be set at 3% of their permitted fleet with a minimum of 1 wheelchair accessible cab.

3. Reliability

- **Sec 18A-2** Allowing cab companies to operate with fewer than 25 cabs would create an environment where companies would come and go. This would create service and safety issues for the public. We do not believe the current ordinance should be changed.
- **New** Similar to state requirements a new cab company regardless of size should have to prove a public need to operate.
- Having more cab companies represented on the city streets would make it even easier for gypsy cabs to hide and operate. Gypsy cabs have long been a major safety concern in Lexington with multiple assaults over the last several years.
- **Sec 18A-14 paragraph (e)** Lexington also needs to address age of vehicle concerns. Vehicles beyond 8 years of age require more inspections and provide a greater risk to public safety.

Taxi Cab Proposed Changes

1. The Department of Transportation shall not issue permits for vehicles for hire in Fayette County, Kentucky. Any prior permits for vehicles for hire issued by the Kentucky Department of Transportation shall be valid until 2011.

Reference: Section 3.

Reason for change: Permits that are issued from Frankfort circumvent the requirements of the LFUCG ordinances.

2. Any vehicle operating as a shuttle for any establishment cannot accept any form of payment or gratuity for the transportation. The shuttle can only operate from the establishments location.

Reference: There is no reference.

Reason for change: Many establishments such as Malone and Drakes are operating shuttles that the fares are originating from downtown and taking place at times that Malones and Drakes are not open for business. This is another form of gypsy cabs that are successfully circumventing the current LFUCG ordinances.

3. All persons person applying for or renewing a local taxicab permit shall have a minimum of 25 taxicabs in their fleet.

Reference: Section 18A-3.

Reason for staying the same: A taxicab of with a fleet of only 10 taxicabs could not adequately service the city. If five drivers worked a 12 hour shift and the other five drivers worked the next 12 hour shift, that would leave only five drivers on the road at a time. There is no way to adequately service the whole city with only five drivers. Fayette County has too large a land mass and traffic problems for five vehicles to provide good service.

4. No person that works for LFUCG or any member of their family shall own any part of a

taxicab company in Fayette County, Kentucky.

Reference: There is no reference.

Reason for change: It would be an unfair advantage to have a taxicab owner or their family member work for LFUCG.

5. Lextran shall not operate any bus, trolley, shuttle, or vehicle that is in direct competition with the privately owned taxicab companies unless a fee is charged, similar to a bus fare.

Reference: There is none.

Reason for change: Lextran is in constantly encroaching on the taxi business by running smaller vehicles and giving people free rides. This is especially prevalent with the bar crowds on Thursday, Friday, and Saturday nights. It first started with the free trolleys that ran a specific route. Now there are Cats Cruisers vehicles that are catering to the bar crowd and are not charging any fares. The Cats Cruisers are providing service comparable to a taxi but it is free. The privately owned taxicab companies are having their own taxi dollars spent on a company that is directly competing with them. If a normal bus fare was charged, it would at least level the playing field. Further, with the city in debt, why are these trolleys and shuttles being operated at no cost to the consumers?

6. Law enforcement officers shall not conduct random inspections on taxicabs unless there is probable cause for a traffic stop.

Reference: Section 18A-25.

Reason for this ordinance not be created: First, the police officers are not equipped to inspect anything of consequence such as the brakes, steering, engine,...anything mechanical on the vehicle. The other reason not to allow the police officers the authority to randomly inspect cars is for the huge

room for abuse. The only things that could be done on a road-side inspection would be things like brake lights and turn indicators. Both of the aforementioned, if not working, would be a probable cause for a traffic stop for defective equipment. Police officers are not mechanics and even if they were, do not have the necessary tools or means to effectuate a meaningful inspection.

7. Any person operating a vehicle for hire that does not have a permit to operate shall have their vehicle impounded and spend the night in jail. This would apply to shuttles, gypsy cabs, limousines taking individual fares for monetary compensation.

Diane Lawless

From: mrwillmcginnis@aol.com
Sent: Tuesday, September 27, 2011 8:59 AM
To: Richard Curtis
Subject: taxi

Rick, Please make the following changes to the ordinance:

1. Minimum number of cabs to start a cab company is 5.
2. All existing companies are not required to meet the minimum number. OR, all existing cab companies can increase their fleet one cab at a time. If you include this than i dont care if you keep the minimum number at 10.
3. Something that brings Radar under the taxi ordinance and withdraws the support letter he recieved from the city.
4. All cabs b/f being placed in-service must be inspected by fleet service at a cost of \$30. Each taxi will be inspected every six months thereafter, or every 20,000 miles whichever is sooner. Each inspection will cost the company or driver \$30.
5. DO NOT INCREASE ANY FEES WE ARE IN A RECESSIONS. I understand you have only requested a small increase but the fees are fine where they are.
6. No increase in penalties, especially jail time. However, I would support jail time for unauthorized (gypsy) cabs.[18a-25]
7. Magnets are considered permanent, or no change at all.[18a-15]
8. section 18a-13: No, this is an example of what i am talking about increasing penalties. no way.

If you make these changes I believe the council will support it.

Thanks
Will

ADD TO: Sec. 18A-16 to include credit card processing machine**Must Accept Credit/Debit Card Payments**

- (1) All Taxicabs are required to be equipped with a credit card processing machine and Drivers must accept a Passenger's choice to pay by credit/debit card.
- (2) A Driver must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging the Taximeter, the Driver advises the passenger that he/she will not be able to use a credit or debit card for payment
- (3) If a customer's effort to pay by debit/credit card at the end of the trip is prevented because the communication network is unable to process debit/credit card payments at that time, the Driver must offer the customer the option of either:
 - A. Paying cash or
 - B. Having the Taxicab Driver continue to a location where the wireless payment system can communicate with its network free of charge.
 - C. Contact dispatch to process their card over the phone.

No Mark-up for Credit Payment. A Driver must not charge any additional fee (mark-up) to any Passenger for credit/debit card transactions.

Reason: Over 31% of taxicab passengers prefer to use their credit card for payment and that number is growing.

CHANGE & ADD TO: Sec. 18A-2 (5)

Rate card means a card approved by the Commissioner of Finance and issued by the owner of the taxicab for display on each taxicab passenger door which states the rates of fare then in force.

Reason: So there is no dispute about rates prior to getting into the taxicab and to have a consistent place for passengers to look.

Create Section to include:

No Lexington-Fayette Urban County employee or their relative may own and operate a taxicab company in the urban county.

- A. Reason 1: To eliminate the rumors that Rick Curtis is trying to reduce the number of taxicabs to make it affordable for a family member to start one.
- B. Reason 2: To eliminate the rumors that Diane Lawless is trying to reduce the number of taxicabs to make it affordable for a significant other to start one.
- C. Reason 3: To prevent law enforcement to start a taxicab company. It would be a direct conflict of interest since this ordinance is enforced by law enforcement. We all know that police officers will not write citations to other police officers.

CHANGE & ADD TO: Sec. 18A-5 Paragraph 2

The commissioner of Finance may, in his discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy "with a minimum amount of \$500,000" issued by a liability company.....

Reason 1: Nowhere in the ordinance does it set a minimum limit.

CREATE & ADD TO: Sec. 18A-5

Taxicab owners must provide Accidental Death & Dismemberment Insurance for drivers and passengers. A minimum death benefit of \$100,000.00.

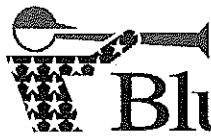
Reason 1: To protect drivers and passengers

CREATE A SECTION TO:

Limit the age of vehicles to 10 years. Effective immediately!

Reason 1: To protect the image of the city.

Reason 2: To provide newer and safer cars than in the past.



Blue Grass Airport

LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD

October 17, 2011

Lexington Fayette Urban County Government
Urban County Council - Councilman Diane Lawless
200 East Main Street
Lexington, KY 40507

Dear Councilman Lawless,

Thank you for reaching out to me to get the Airport's thoughts on taxi cab operations in Lexington. As we discussed, we believe the Airport as well as the community is, and can be, impacted by the quality of cab service. To the extent that Council considers making changes to the Urban County Ordinances to improve taxi cab service and provide cleaner, safer, and more economical transportation to and from the airport, the Airport would be supportive.

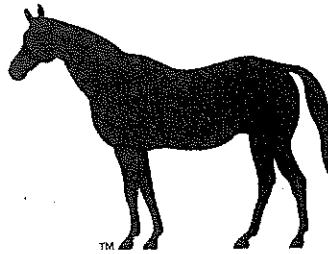
Currently, the Airport takes on a significant role in managing the taxi cab operations at the airport. Taxicab operators must possess a certificate from the LFUCG, provide proof of liability insurance, and have a valid agreement to operate at the airport. Ensuring the operators meet these requirements requires a fair amount of staff time. In addition, however, we also spend additional staff time to ensure cab operators operate safe, clean cabs. Our staff conducts an initial 29 point inspection with each operator at the beginning of each year and additional random inspections throughout the year. These activities would not be necessary if the LFUCG ensured the taxi cab operators had the proper documentation (particularly current insurance certificates) and performed inspections at the time the LFUCG issued a certificate to operate.

Many of our first time visitors to our community come through Blue Grass Airport so we strive to create the best possible first impression for Lexington and the region. Many visitors use taxi cab service to get to their destination from the airport and any improvement to the taxicab service would be beneficial to our whole community. To that end, we would certainly be willing to work with you and your staff to develop streamlined procedures and standards to ensure quality service while at the same time providing a simpler, consistent approach between the LFUCG, the Airport, and taxi operators.

Thanks again for the opportunity to comment.

Sincerely,

Eric J. Frankl, A.A.E.
Executive Director



October 21, 2011

Lexington Fayette Urban County Government
Urban County Council - Councilwoman Diane Lawless
200 East Main Street
Lexington, KY 40507

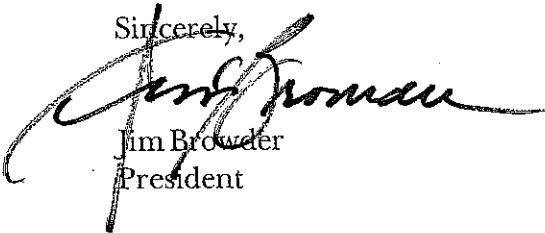
Dear Councilwoman Lawless:

I appreciate the ongoing communication concerning taxi cab operations in Lexington. We do believe that cab service in Lexington does provide lasting impressions of our community in the eyes of our many visitors, whether for business or pleasure. We appreciate and support the efforts of the Council to make changes to the Urban County Ordinances to improve taxi cab service and provide a clean, safe, mechanically sound and competitively economical transportation experience for our guests.

The Lexington Convention and Visitors Bureau plays a key role in recommending transportation options to visitors both prior to and during their stay in Lexington. While transportation services provided by LexTran are typically our first recommendation, most requests for shuttle or taxi service, especially from the Blue Grass Airport, are the most requested need from our guests. Our customer service agents understand that phone time with a guest is clearly the first impression of our city, however the airport arrival and transportation service is clearly the first physical impression of Lexington. It is extremely important to the Lexington Convention and Visitors Bureau that visitors trust our recommendations and assurances that our transportation offerings are safe, friendly, clean, reasonably priced, licensed, and properly insured. Trust, combined with quality service, equates to return visits to our city.

While our primary interests represent the needs and benefits of our visitors, we also feel that improvements to the ordinance would be of great benefit to the community at large. We do appreciate your support of this initiative and would be happy to be of further service to you with the introduction of standards that would ensure a quality transportation experience.

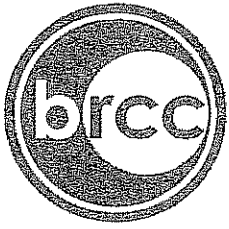
Sincerely,



Jim Browder
President

Lexington Convention and Visitors Bureau

301 East Vine Street Lexington, KY 40507 (859) 233-1221 (800) 848-1224 Fax (859) 254-4555 www.visitlex.com



Bluegrass Rape Crisis Center

October 12, 2011

Diane Lawless
District 3 Council Representative
200 East Main Street
Lexington, KY 40507

Dear Diane,

I hope this letter finds you well. I am writing you to express the need for more cab services in the Lexington area. As you know, Bluegrass Rape Crisis Center, serving survivors of sexual violence, often utilizes our local cab companies to provide safe and timely transportation for our clients. We use cab transportation to bring clients to and from our center as well as to transport them to legal and medical appointments. In my time here at BRCC, insuring that our clients will arrive to appointments in a timely manner has become increasingly difficult due to the lack of reliability and availability of cab services. In fact, we have been fortunate to work with one particular cab driver to meet some of our needs, but this does not work if we need two cabs at the same time or if that driver is unavailable.

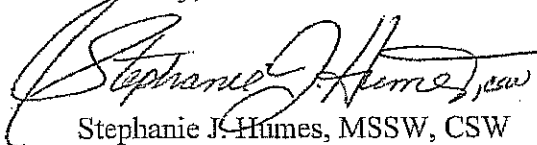
I realize that some will argue that more cab companies in the area will increase the risk to customers of incidences of sexual violence, from sexual harassment to sexual assault. In my time at BRCC, we have not experienced that as a problem. The only complaints we have received related to cab services are regarding timeliness, access to enough cabs, and the condition of the vehicles. We want our clients to have a safe, clean, and comfortable environment while traveling to and from BRCC and their appointments in the community. Often, our clients are in crisis while traveling to these various appointments. The transportation experience should not create additional stress to our clients.

I am also aware that, with the limited number of companies to choose from, we are paying higher rates for the cab services than many of our sister programs across the state. With limited funds and ever decreasing budgets, it is crucial that BRCC pays the most competitive rate possible for client transportation. We often utilize cabs more frequently for transportation than the LexTran system due to the immediacy of our clients needs. For this reason, we are often paying increasingly higher costs for our client transportation. With more cab companies in the area, I believe we could take advantage

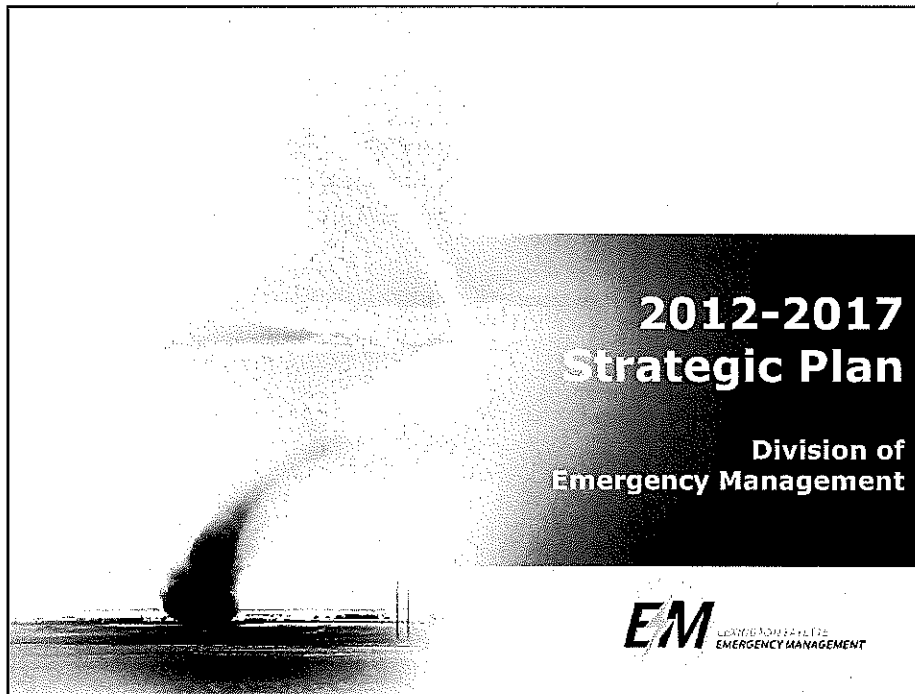
of more competitive rates. This would allow BRCC to use the extra funding, saved from lower rates, to provide other needed services for our clients.

It is for these reasons that I am in support of bringing more competitive cab services to the Lexington area. Thank you so much for your time and attention to this issue. Please know that client services are the utmost priority to BRCC, and, with your help, we can continue to provide the very best. Please feel free to contact me at 859-253-2615 or the address below if you have questions. Again, thank you for your service to our community.

Sincerely,

A handwritten signature in cursive script, reading "Stephanie J. Humes, MSSW, CSW". The signature is written in dark ink and is positioned above the printed name and title.

Stephanie J. Humes, MSSW, CSW
Interim Director
Bluegrass Rape Crisis Center
P.O. Box 1603
Lexington, KY 40588



Introduction

The Lexington Fayette County Division of Emergency Management (DEM) is tasked to five key principles.

- Planning
- Preparedness
- Response
- Recovery
- Mitigation



Vision Statement

The Lexington Division of Emergency Management works before, during and after emergencies to minimize impacts on the community.

Our work depends upon coordination with others in government, the private sector and the wider community to promote risk reduction, readiness, response, and recovery.

Our goal is a resilient community that can endure all hazards, adapt quickly to disruptions and return to normal activities as soon as possible.



Mission Statement

To enhance the public safety of Lexington-Fayette County residents and businesses through emergency planning, preparedness, mitigation, response and recovery.



Desired Outcome

A resilient city that significantly reduces social, economic, and environmental losses from hazards through strategic investment in land use planning, environmental protection, asset management, training, partnerships and community preparedness efforts.



Mission Summary

Planning

- Continue to improve the planning process for not only DEM but also the associated government divisions, agencies, public and private partners, volunteers and the public at-large.
- Create a "Culture of Preparedness" for all groups.



Mission Summary

Preparedness

- Educate the public, partners, stakeholders, volunteers and other groups.
- Test preparedness through exercises.

EM LEARNING FOR PROTECT
EMERGENCY MANAGEMENT

Mission Summary

Response

- Develop and implement plan to create a workable emergency operations center.
- Improve notification/alert systems.
- Improve cooperation/coordination with partner agencies.

EM LEARNING FOR PROTECT
EMERGENCY MANAGEMENT

Mission Summary

Recovery

- Continue to develop relationships with other local, state and federal agencies to provide a foundation for a recovery.
- Develop Continuity of Operations Plan.



Mission Summary

Mitigation

- Complete federally-required county mitigation plan in 2012.
- Determine final Fayette County risk assessment for effects of chemical weapons accident at BGAD.



Demographics

Fayette County

- Population 295,803
- 75% Caucasian
- 15% African-American
- 7% Hispanic
- 3% Asian
- Population getting older, more living in urban areas

EM LEITCHTON FAYETTE
EMERGENCY MANAGEMENT

Demographics

Fayette County

- Two rail lines
- Two Interstate highways
- Several natural gas/petroleum pipelines
- 59 public schools
- 20 private schools
- 6 colleges/universities
- 8 hospitals
- 11 long-term care facilities

EM LEITCHTON FAYETTE
EMERGENCY MANAGEMENT

Hazard Analysis

- Major transportation routes are 1-75, 1-64, US 60, US 27, US 25, US 421, US 68, Man-O-War Boulevard and New Circle Road.
- Pipelines of 6" to 36" carry natural gas and petroleum products across Lexington Fayette County.
- Hazardous materials are used, transported and stored throughout the metropolitan area.
- Waterways include the Kentucky River, north and south branches of Elkhorn Creek



Hazard Analysis

Highest risks:

- Urban fires
- Transportation accidents
- Hazardous material releases
- Flash flooding
- Urban flooding
- Winter/ice storms
- Wind, thunderstorms (power outages)
- Tornadoes

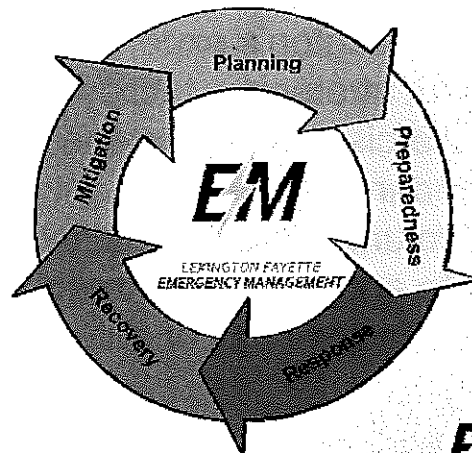


County Risk Assessment

- High Risks - Urban fires, hazardous material releases, transportation accidents, winter/ice storms, high winds, tornadoes, thunderstorms and power outages.
- Moderate Risks - Horse farm fires, river flooding, droughts, heat waves, natural gas and electric power disruptions. This also includes releases of nerve agent from the Blue Grass Army Depot, or other WMD mass casualty events.
- Low Risks - Civil disturbances, wildfires, earthquakes, dam failures, mining accidents, and national security threats.

EM LEWISBURG
EMERGENCY MANAGEMENT

Emergency Management Cycle



EM LEWISBURG
EMERGENCY MANAGEMENT

Goals: Planning

- Adopt ongoing strategic planning process
- Improve NIMS compliance
- Ensure compliance with all mandates
- Develop/enhance "Culture of Preparedness"
- Adopt "Whole Community" approach to emergency management
- Establish standard MOU process



Goals: Preparedness

- Serve as Lexington's experts in emergency management strategies, tactics and policies
- Ensure exercise appropriateness
- Fulfill standards for national accreditation
- Improve volunteer communication & training
- Coordinate and expand outreach efforts
- Measure effectiveness of outreach efforts



Goals: Response

- Establish a modern emergency operations center and backup facility.
- Improve emergency warnings/notifications
- Improve partner agency cooperation
- Implement resource management system
- Provide fatality management services



Goals: Recovery

- Develop Continuity of Operations plan
- Create wind-resistant structures
- Provide "Continuum of Care" structure
- Address needs of individuals and responders during a long recovery process
- Establish means to deliver reliable information to all community members



Goals: Mitigation

- Complete county mitigation plan update
- Determine Fayette County status regarding risk from accident at BGAD
- Identify funding sources for mitigation projects
- Identify and assess highways, cargoes, facilities and resources vulnerable to natural disasters



Strengths, Weaknesses Opportunities & Threats

Strengths

- DEM staff trained & cross trained
- Experience of DEM staff
- Maximization of state & federal funding
- State-of-the-art media/social media plan
- Regular internal/external training sessions
- Positive working relationship with partner agencies



Strengths, Weaknesses Opportunities & Threats

Weaknesses

- Training session attendance
- Training among current administration
- Inadequate DEM facilities/offices
- Minimal staffing levels – many positions depend on volunteers



Strengths, Weaknesses Opportunities & Threats

Opportunities

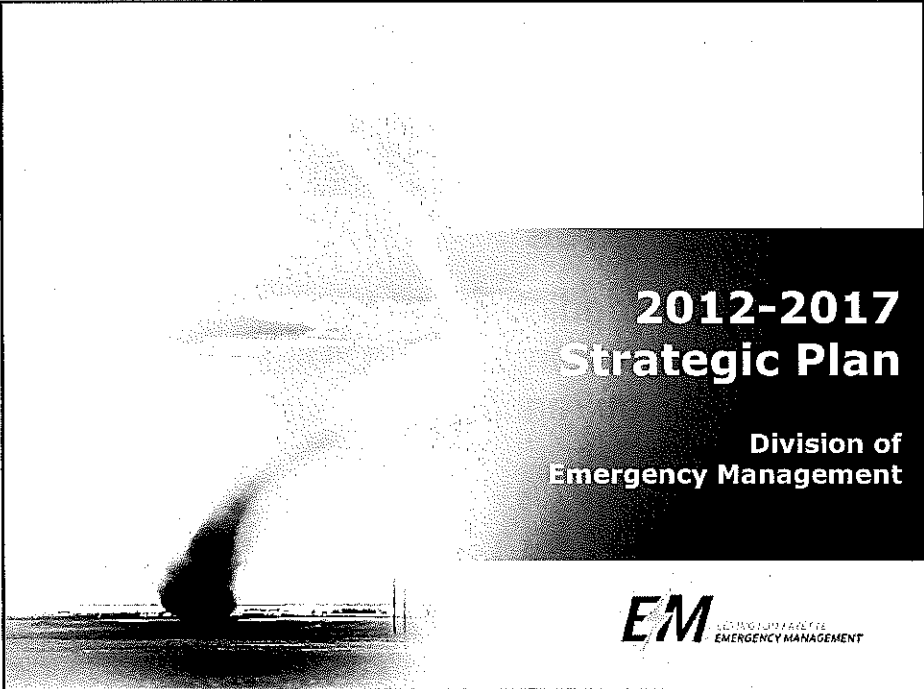
- CSEPP funding for additional resources
- Federal funding for EOC/DEM offices
- Current outreach activities appear to have positive effect



Strengths, Weaknesses Opportunities & Threats

Threats

- Perception among employees that preparedness/training isn't necessary
- Growing disruption in public information channels and systems
- Continuing challenges to funding programs, projects and personnel on all levels



2012-2017 Strategic Plan

Division of
Emergency Management



Items Referred to Public Safety Committee

<u>Item</u>	<u>Referred By</u>	<u>Date</u>	<u>Status</u>
Noise Ordinance	Blues	4/12/2009	Agenda Item for February 2012
Public Safety Disability Claims	Martin	2/3/2011	HR & Law have been asked to prepare to present Fire & Emergency Medical Services EMS Task Force formed. Chair CM Farmer. Meeting Dates 1/19, 2/2, 2/16, 3/1
Paramedic Training: Emergency Medical Advisory Board (EMAB)*	Gorton/Lawless	3/11/2011	CM Farmer. Meeting Dates 1/19, 2/2, 2/16, 3/1
Community Corrections Best System of Management	Myers/Kay	6-7-11/6-21-11	Special Meeting 1/10/12 at 9am
Examine Quarrying Ordinance (UCG 8-4) to Ensure Revenue Neutral	PS Link	6/17/2011	BI - Consider more appropriate committee
ROW Signage – Establish Program Similar to Operation Brightside	PS Link	6/17/2011	CE
Examine Nuisance Abatement Process	PS Link	6/17/2011	CE
Examine Nuisance Ordinance (UCG 12-1) to Ensure Appropriate Revenue	PS Link	6/17/2011	CE
Emergency Management Long Range Strategic Plan	PS Link	6/17/2011	January 10th
E 911 Routing Non Emergency Calls to 311	PS Link	6/17/2011	Information requested from Administration 10/7
Community Corrections: Explore Receiving Federal/State Inmates	PS Link	6/17/2011	Information requested from Administration 10/7
Electronic Monitoring Utilization: Work With Judicial	PS Link	6/17/2011	Information requested from Administration 10/7
Best Practice for Firefighter and Paramedic Staffing*	PS Link	6/17/2011	Fire & Emergency Medical Services EMS Task Force formed.
Off Premises Signage	Lawless	7/12/2011	Chair CM Farmer. Meeting Dates 1/19, 2/2, 2/16, 3/1
Toxicab Ordinance	Lawless/Stinner	4-17-08-13-11	Building Inspection
Chronic Nuisance Ordinance	Henson	8/13/2011	January 10th Ongoing Research

