



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 14, 2009**

DATE: March 4, 2009

SUBJECT: Authorization to Advertise for a Public Hearing on April 25, 2009, an Ordinance to Amend, Reenact and Recodify Chapter 25 (Taxicabs), Section 25-6, Subsections (2)(a), and (6)(a), (6)(b), (6)(c), (6)(d), and (6)(e) of the Code of Arlington County, Virginia, Concerning Application Deadlines for Certificates of Public Convenience and Necessity, Deadlines for Submission of Applications to the Transportation Commission, Times within Which the Transportation Commission Is to Hold Meeting and Submit Conclusions and Recommendations on Applications, and Deadline for the County Manager to Issue Statement on Economic Condition of the Taxicab Industry, to Be Effective upon Enactment

C. M. RECOMMENDATION: Authorize advertisement for a public hearing on April 25, 2009, of an ordinance to amend, reenact and recodify Chapter 25 (Taxicabs), Section 25-6, Subsections (2)(a), (6)(a), (6)(b), (6)(c), (6)(d), and (6)(e), of the Code of Arlington County, Virginia, concerning application deadlines for certificates of public convenience and necessity, deadlines for submission of applications to the Transportation Commission, times within which the Transportation Commission is to hold meeting and submit conclusions and recommendations on applications, and deadline for the County Manager to issue statement on economic condition of the taxicab industry, to be effective upon enactment

ISSUES: Should any application for taxicabs be received during the filing period starting May 1, it would be complicated to enact any new ordinance until about six months from now, after the process defined in the current ordinance for considering that application has been concluded.

SUMMARY: The proposed ordinance amendments would postpone the filing period, and consideration of any applications for taxicabs that may be filed, by about three months. This enables consideration of a new ordinance throughout the Spring.

BACKGROUND: In a separate report, a new taxicab ordinance (Chapter 25.1 of the County Code) is recommended to be advertised for public hearing at the April 25th County Board meeting. Should a new ordinance be enacted, it would replace the current ordinance (Chapter 25 of the County Code) which specifies that applications for certificates of public convenience and necessity may be filed between May 1 and May 10. Should a new ordinance not be enacted by May 1, if any applications are filed at that time, those applications would need to be considered under the current ordinance. That process would not be completed until September, at the

County Manager: _____

County Attorney: _____

Staff: Mark Kellogg, DES Transportation

earliest. During that time, the construct of any new ordinance enacted while applications are pending would be complicated.

DISCUSSION: As a contingency measure, to address the possibility that a new ordinance may not be enacted in April, amendments to the current ordinance are recommended to be advertised, also for public hearing at the April 25th meeting. These amendments would postpone the May 1 submittal start and consideration of any applications, so that they would be accepted beginning July 20. If the attached amendments are enacted, then the County Board could continue its consideration of a new ordinance beyond April, until July 20, without the complications of considering one or more pending applications concurrently with a new ordinance.

FISCAL IMPACT: None

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 25 (TAXICABS), SECTION 25-6, SUBSECTIONS (2)(a), (6)(a), (6)(b), (6)(c), (6)(d) AND (6)(e), OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, CONCERNING APPLICATION DEADLINES FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, DEADLINES FOR SUBMISSION OF APPLICATIONS TO THE TRANSPORTATION COMMISSION, TIMES WITHIN WHICH THE TRANSPORTATION COMMISSION IS TO HOLD MEETING AND SUBMIT CONCLUSIONS AND RECOMMENDATIONS ON APPLICATIONS, AND DEADLINE FOR THE COUNTY MANAGER TO ISSUE STATEMENT ON ECONOMIC CONDITION OF THE TAXICAB INDUSTRY, TO BE EFFECTIVE UPON ENACTMENT

1. Be it ordained by the County Board of Arlington County, Virginia, that Chapter 25, Section 25-6, Subsection (2)(a), of the Code of Arlington County, Virginia (“Code”) is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

* * *

Application for a certificate shall be made under oath by the prospective certificate holder or his authorized agent to the county manager upon forms provided by the county.

Applications for certificates may be filed with the county manager only between July 20 and August 10 of each year.

* * *

2. Be it further ordained that Chapter 25, Section 25-6, Subsections (6)(a), (6)(b), (6)(c), (6)(d), and (6)(e), of the Code are hereby amended, reenacted and recodified to read, in pertinent part, as follows:

* * *

(a) Between July 20 and August 10 of each year, existing certificate holders shall have the opportunity to file applications for amendments to certificate

authorizations. They shall also submit any recommendations they may have as to changes in the level of certificates between July 20 and August 10.

(b) The county manager shall forward the applications to the Arlington Transportation Commission no later than August 15.

(c) Not sooner than August 15, nor later than October 15 of each year, the Arlington Transportation Commission shall conduct a meeting to which all applicants, existing certificate holders, and the public shall be invited. The hack inspector or a police department representative shall be present. The purpose of the meeting shall be to solicit taxicab industry views, and those of the public, and to receive evidence as to the economic condition of the taxicab industry. Applicants for changes in authorization shall be required to submit justification for the changes they recommend.

(d) Giving consideration to the evidence received at the meeting, but not being limited to such evidence, the Arlington Transportation Commission shall forward its conclusions as to the status of the industry, and its recommendation as to an appropriate level of taxicab certificates for the county to the county manager. It shall also forward its recommendation as to an appropriate allocation of the recommended number of certificates, including the number of taxicabs authorized for each certificate. It shall also forward the findings of fact upon which its recommendations are based. In making its recommendations as to allocations, the commission shall give consideration to such factors as bear on public convenience and necessity, including, but not limited to:

1. The relative age of the certificate holders' fleets.
2. The extent and character of the service offered by the several applicants.
3. The maintenance and condition of the fleets.

4. The demonstrated or prospective responsibility of certificate holders in regard to taxicab regulations.

5. The utilization of existing fleets, particularly with reference to the existing and prospective ability of the applicants to utilize the applied-for, or authorized, numbers of taxicabs to the benefits of the taxicab-riding public.

The commission's conclusion and recommendations shall be transmitted to the county manager no later than October 31.

(e) Not later than November 15, the county manager shall issue his statement of the economic condition of the taxicab industry. The county manager's statement shall contain specific recommendations on each application for amendment as well as recommendations as to the appropriate number and allocation of certificates for the county, including the number of taxicabs authorized for each certificate. In addition, the number of wheelchair-accessible vehicles authorized under special certificates shall be specified. The county manager shall presume that the factual findings of the Arlington Transportation Commission are prima facie correct. If he disagrees with the recommendations of the commission, either as to the number of certificates or as to the allocation of certificates, including the number of taxicabs authorized for each certificate, he shall, with the issuance of his statement, enumerate his reasons for not accepting the commission's recommendations.

* * *

3. Be it further ordained that the sections and subsections of Chapter 25 of the Code not hereby amended, reenacted and recodified shall remain as previously enacted.

4. This ordinance shall be effective upon enactment.