

Council Business Meeting

January 15, 2019

Agenda Item	Ordinance No. 3165 Related to Vehicles For Hire, Amending Ashland Municipal Code (AMC) 6.28.080 and AMC 6.28.190 and Deleting AMC 6.28.090	
From	Katrina L. Brown	Assistant City Attorney
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SUMMARY

Ordinance No. 3165 would amend two sections and delete one section of the recently adopted Ashland Municipal Code (AMC) Chapter 6.28 related to vehicles for hire. The proposed changes the AMC Chapter 6.28 would align Ashland's requirements for vehicles for hire more closely with the City of Medford's requirements and further encourage Transportation Network Companies such as Uber and Lyft to operate in Ashland.

POLICIES, PLANS, AND GOALS SUPPORTED

1. Nurture emerging new technologies. (Council Goal 16).
2. Provide, promote, and enhance the security/safety, environmental health, and livability of the community. (Quality of Life Administrative Goal).

PREVIOUS COUNCIL ACTION

On September 18, 2018, Council adopted new AMC Chapter 6.28 to allow Transportation Network Companies (TNC's) to operate within the City of Ashland. However, TNC's are objecting to the City of Ashland's requirements for vehicle inspections and mandatory Wheelchair Accessible Vehicles. Ordinance No. 3165 would amend AMC Chapter 6.28 by removing these requirements.

BACKGROUND AND ADDITIONAL INFORMATION

City staff was initially contacted in late October of 2017 by a representative from Uber after Medford adopted its new ordinance regulating vehicles for hire. Uber's representative proposed that Ashland adopt Medford's exact regulatory regime since the two cities are in such close proximity to each other, or that Ashland deregulate vehicle for hire services altogether, in effect leaving regulation of vehicles for hire to Medford.

As the City of Ashland has been regulating taxicabs and taxi agencies for over twenty years, Council chose to amend the AMC to allow for these new forms of vehicle for hire services in lieu of deregulation. When Council adopted new AMC Chapter 6.28 on September 18, 2018, it was aware that the AMC would contain a few requirements for vehicles for hire that were not present in Medford's regulatory regime. At the time Council felt that the additional requirements were not prohibitive and would further accessibility and community safety.

As of today's date, no TNC's have chosen to apply to operate within the City of Ashland. Both Uber and Lyft have cited the vehicle inspection and the Wheelchair Accessible Vehicle requirements as the primary reasons. Ordinance No. 3165 would remove these requirements.

FISCAL IMPACTS

The fiscal impact to the City would be minimal.

ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

1. Approve First Reading of Ordinance No. 3165 and advance it to Second Reading for enactment.
2. Decline to approve First Reading of Ordinance No. 3165.

STAFF RECOMMENDATION

Staff is neutral on First Reading of Ordinance No. 3165. The City’s original Ordinance had two provisions that provided opportunities for equity in TNC services by requiring a Wheelchair Accessible Vehicle to be available and requiring vehicle safety inspections. Uber has expressed that they will not provide their services in Ashland because of those two provisions. Lyft has stated that while they don’t like the provisions, they may offer services in the Spring/Summer. It is unknown at this time if the Council makes the changes that Uber or Lyft will offer their services in Ashland.

REFERENCES AND ATTACHMENTS

Attachment 1: Proposed Ordinance No. 3165

1 **ORDINANCE NO. 3165**

2 **AN ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING AMC 6.28.080**
3 **AND AMC 6.28.190; AND DELETING AMC 6.28.090.**

4 Annotated to show deletions and additions to the Ashland Municipal Code sections being
5 modified. Deletions are **~~bold lined through~~**, and additions are **bold underlined**.

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7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** Ashland Municipal Code Section 6.28.080 is hereby amended to read as follows:

9 **6.28.080. Reasonable Accommodations, WAVs.**

10 A. Vehicle for Hire Agencies must provide reasonable accommodations to
11 passengers with disabilities, including passengers accompanied by a service animal,
12 passengers with hearing and visual impairments, and passengers with mobility devices.
13 Vehicle for Hire Agencies must comply with all applicable requirements of the
14 Americans with Disabilities Act.

15 B. Vehicle for Hire Agencies and their Drivers shall provide services in a manner that
16 ensures the equal protection, treatment, and representation of all persons and shall not
17 discriminate against any person for any reason, including, but not limited to, age,
18 citizenship status, color, familial status, gender identity or expression, marital status,
19 mental disability, national origin, physical disability, race, religion, sex, sexual
20 orientation, and source or level of income.

21 ~~**C. Taxi Companies and TNCs must provide service to any passenger with a severe**~~
22 ~~**mobility limitation that requests a Wheelchair-Accessible Vehicle. Taxi Companies**~~
23 ~~**and TNCs shall provide WAV service within a reasonable amount of time by**~~
24 ~~**maintaining one or more affiliated Wheelchair-Accessible Vehicles, contracting with**~~
25 ~~**a permitted operator of Wheelchair-Accessible Vehicles, or a combination thereof.**~~
26 ~~**It is a rebuttable presumption that failing to provide a WAV within forty-five (45)**~~
27 ~~**minutes of receipt of a request for such a vehicle is unreasonable.**~~

28 ~~**D. Fare rates for WAVs shall not exceed the fare rates for comparable non-WAV**~~
29 ~~**vehicles and shall not be subject to Dynamic Pricing.**~~

30 **SECTION 2.** Ashland Municipal Code Section 6.28.190 is hereby amended to read as follows:

6.28.190. Violations, Penalties.

1 A. It shall be unlawful to operate or provide services as a Vehicle for Hire Agency or
2 Vehicle for Hire Driver in the City without a valid Permit issued pursuant to this Chapter.

3 B. It shall be unlawful to refuse service to a person with a disability.

4 ~~C. It shall be unlawful to operate a Vehicle for Hire in the City without having an
5 annual vehicle inspection as required by AMC 6.28.090.~~

6 CD. A violation of subsection A of this section is a Class I violation. A violation of
7 subsection B of this section is a Class I violation. ~~A violation of subsection C of this
8 section is a Class II violation.~~ A violation of any other provision of this Chapter is a
9 Class II violation. Each day that a violation continues shall constitute a separate
10 violation.

11 **SECTION 3.** Ashland Municipal Code Section 6.28.090 is hereby deleted in its entirety:

12 ~~**6.28.090. Vehicle Safety Inspection.**~~

13 ~~**Each Vehicle for Hire operating in the City shall pass on an annual basis a standardized
14 vehicle safety test as performed by a National Institute for Automotive Service Excellence
15 (ASE) Blue Seal recognized shop or by an automotive technician with a current, valid ASE
16 certification in any of the areas of ASE A4-A8. Any vehicle that is less than two (2) years
17 old, based on model year, or has less than 20,000 miles on its odometer is exempt from this
18 requirement. Proof of passage of a standardized vehicle safety test shall be kept in the
19 vehicle at all times.**~~

20 **SECTION 4. Codification.** In preparing this ordinance for publication and distribution, the
21 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
22 such limitations, may:

23 (a) Renumber and rearrange sections and parts of sections of the ordinance;

24 (b) Change reference numbers to agree with renumbered chapters, sections or other parts;

25 (c) Delete references to repealed sections;

26 (d) Substitute the proper subsection, section, or chapter numbers;

27 (e) Change capitalization and spelling for the purpose of uniformity; and

28 (f) Correct manifest clerical, grammatical, or typographical errors.

29 **SECTION 5. Severability.** Each section of this ordinance, and any part thereof, is severable,
30 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
remainder of this ordinance shall remain in full force and effect.

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PASSED by the City Council this _____ day of _____, 2019.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

Katrina L Brown, Assistant City Attorney